

COMPLAINT NUMBER	20/020
COMPLAINANT	M Fairley
ADVERTISER	Garage Project
ADVERTISEMENT	Fun Juice - Packaging
DATE OF MEETING	10 February 2020
OUTCOME	No Grounds to Proceed

Advertisement: The text on the label for the Garage Project “Fun Juice” product says “Dive in and take a swim. It’s time to get fizzy!”

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, M Fairley, said: This is fun juice by Garage Project, 11.5% alcohol but dive in and take a swim? Does this not in courage young people to drink and swim??? Wrong

The relevant provisions were Code for Advertising and Promotion of Alcohol - Guideline 1 (a), Guideline 1 (e), Principle 1

Principle 1: Alcohol Advertising and Promotions shall observe a high standard of social responsibility.

Guideline 1 (a): Alcohol advertising and promotions shall not link alcohol with daring, aggressive, unruly, irresponsible or antisocial behaviour nor suggest any association with, acceptance of, or allusion to, tobacco, illicit drugs or volatile substances such as glue and petrol; explosives and weaponry.

Guideline 1 (e): Alcohol advertising and promotions shall not actively link alcohol with the use of potentially dangerous machinery or driving or any other hazardous or unsafe practices. Alcohol advertising and promotions may include sporting or other physical activities but shall not imply that those activities have been undertaken after the consumption of alcohol.

The Chair noted the Complainant’s concerns the labelling on the product Fun Juice encourages young people to drink and swim.

The Chair referred to a precedent decision, 16/148, regarding a television advertisement for Tui Golden Lager, which showed a group of friends surfing at the beach. As they make their way in to shore one man remains out at sea, trying to catch one last wave. On the beach some of the men take off their wetsuits and share a Tui Lager. The advertisement said, in part: “New Tui Golden Lager. The Beer for men in expensive suits. Taste the good life.” The majority said the advertisement did not link drinking with hazardous practices as there there was nothing in the advertisement which suggested the men were going to re-enter the water after drinking. In accordance with the majority, the Complaints Board ruled the complaint was Not Upheld.

Turning to the complaint before her, the Chair noted that the packaging for an alcohol product, unlike packaging for other products, is able to be considered under the ASA Codes, specifically the Code for Advertising and Promotion of Alcohol.

The Chair said the likely consumer takeout of the word “dive” in the text “Dive in and take a swim” is “Have a drink of Fun Juice” not “Have a drink of Fun Juice and then go swimming”.

The Chair said the word “dive” in this context is intended to be read in a metaphorical way, not literally.

The Chair said the advertisement did not reach the threshold to link alcohol with irresponsible behavior or unsafe practices.

The Chair said the advertisement had been prepared with the high standard of social responsibility required and ruled it was not in breach of Principle 1 or Guideline 1(a) or Guideline 1(e) of the Code for Advertising and Promotion of Alcohol.

The Chair ruled there were no grounds for the complaint to proceed.

Chair’s Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.