

<b>COMPLAINT NUMBER</b>	20/406
<b>ADVERTISER</b>	Cabana Latina
<b>ADVERTISEMENT</b>	Cabana Latina, Digital Marketing
<b>DATE OF MEETING</b>	21 September 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Cabana Latina digital marketing advertisement promotes their two-hour bottomless brunch. The advertisement on GrabOne NZ offers a two-hour bottomless brunch for two with a variety of cocktails and house wines and a choice of four brunch options including steak and fries, eggs on toast, pincho, and an empanada. The advertisement includes terms and conditions for the offer, and one states: “Drinks are valid for a duration of two hours starting from your booking time. Guests will not be served more than one drink at a time and the responsible consumption of alcohol by all guests will be enforced. Always drink responsibly.”

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

**Complaint:** They’re promoting an irresponsible consumption of alcohol, offering bottomless drinks (“all you can drink”, including cocktails and wine) for a lapse of 2 hours, if you buy the coupon. And it comes with a snack that doesn’t count as a proper dish (pe: fries, or a skewer) to help minimise the harm done by the excessive consumption of alcohol. Honestly, it doesn’t feel safe for the community.

**The relevant provisions were Code for Advertising and Promotion of Alcohol - Guideline 2 (b), Principle 1, Principle 2.**

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

**Principle 2:** Alcohol Advertising and Promotions shall be consistent with the need for responsibility and moderation in alcohol.

**Guideline 2(b):** Alcohol advertising and promotions shall not feature, imply, condone or encourage irresponsible or immoderate drinking. That applies to both the amount of drink and the way drinking is portrayed.

**The Chair** noted the Complainant’s concerns the advertisement is promoting the irresponsible consumption of alcohol with their bottomless brunch.

The Chair noted the venue is a South American themed nightclub in Auckland. The advertisement’s headline refers to a “bottomless brunch” which is used by some businesses to describe a brunch time meal with drinks. She also noted the advertisement contained terms and conditions qualifying the offer which said “Guests will not be served more than one drink at a time and the responsible consumption of alcohol by all guest will be enforced” and “Always drink responsibly”.

The Chair said the food on offer was more substantial than snack food and the venue would be operating under the legal parameters regarding host responsibility under the Sale and Supply of Alcohol Act 2012.

The Chair said the terms and conditions in the advertisement and licensing restrictions on how venues serve alcohol meant the advertisement did not meet the threshold to breach Principle 1, Principle 2 or Guideline 2(b) 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.