

COMPLAINT NUMBER	20/416
COMPLAINT ON BEHALF OF	Alcohol Healthwatch
ADVERTISER	Euro Liquor
ADVERTISEMENT	Baltika 9, Facebook, Website
DATE OF MEETING	20 January 2021
OUTCOME	Settled Facebook advertisement removed Website advertisement amended

Advertisement: The sponsored Facebook advertisement for Euro Liquor’s Baltika 9 beer says “Beer? Yes please! Sale 20% off. Discover Baltika 9 - award-winning, twice as strong as classical lager. It stands out for its rich and pleasant taste with pronounced bitterness of hops and sweetness overtones. 8.0%ALC. 450ML”. The text of the advertisement also includes an emoji of a trophy and biceps. The Facebook post includes a number of user generated comments which reference the product.

The Chair ruled the complaint was Settled.

Complaint: Subject: ASA Complaint Baltika Facebook Advertisement

This complaint relates to an alcohol advertisement for Baltika beer. The advertisement is a sponsored post which has been appearing in Facebook newsfeeds in November 2020. The advertisement was seen on the 9th and 18th of November by Alcohol Healthwatch staff. Details of the Facebook advertisement are appended at the end of this letter.

Principle 2 of the Code for Advertising and Promotion of Alcohol states:

Alcohol advertising and promotions shall be consistent with the need for responsibility and moderation in alcohol.

Guideline 2(a) states:

Alcohol advertising and promotions shall not emphasize a product's alcoholic strength, except where the product is a light (or lite) alcohol product but can include factual information about the alcoholic strength.

The text accompanying the image of the Baltika 9 product emphasises the product's alcoholic strength, stating:

Discover BALTIKA 9 “ award winning *trophy emoji*, twice as strong as classical lager *bicep emoji*

The text continues: 8.0% ALC., 450ML.

The image of the product also features the word strong and the phrase PREMIUM STRONG LAGER on the can.

We submit that this alcohol advertisement emphasises the product's alcoholic strength, and that this emphasis goes beyond providing factual information. We ask that the Complaints Board consider whether this advertisement breaches the advertising codes referred to above. Reducing alcohol-related harm

Further concerns lack of age-gating

The landing page for this advertisement (<https://www.skazka.co.nz/beer-baltika-9-80-alc450ml>) was not age-gated. The Skazka Delicatessen website is also not age-gated from

their front page. The website does however have an age gate on their Beer and Wine Section, but this is missing from the Cocktails and RTDs section. We ask that the Complaints Board also assess whether the age-gating on the Facebook advertisement and on the landing and other alcohol-related pages on the Skazka Delicatessen website is in breach of the Code for Advertising and Promotion of Alcohol.

Further concerns “ user generated content

This advertisement is carried on a sponsored Facebook post, that has comments enabled, leading to user generated content (in the form of user comments) being associated with, and further distributed by the advertisement. Many of the comments appended to the advertisement make reference to the alcoholic strength of the product, what kind of persons may find the product appealing, consequences of using the product, and alternative uses for the product. The nature of the comments does raise further issues around Principle 2 of the Code for Advertising and Promotion of Alcohol. A selection of the comments follows, and screenshots are appended below.

"A piss heads wet dream right there"

"Yuck"

"you up for a bad time?"

"Sounds nasty"

"Drain cleaner in a can"

"That reminds me, I need to strip the paint off the hull of my speed boat"

"May cause homelessness"

vomit emoji

We ask that the Complaints Board also consider whether the user generated content attached to this advertisement is in breach of the Code for Advertising and Promotion of Alcohol.

The relevant provisions were Code for Advertising and Promotion of Alcohol - Guideline 2 (a), Guideline 3 (h), Guideline 3 (i), Principle 1, Principle 2, Principle 3;

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(a): Alcohol advertising and promotions shall not emphasise a product's alcoholic strength, except where the product is a light (or lite) alcohol product but can include factual information about the alcoholic strength.

Principle 3: Alcohol Advertising and Promotions shall be directed at adult audiences. Alcohol Advertising and Promotions shall not be directed at minors nor have strong or evident appeal to minors in particular. This applies to both content and placement.

Guideline 3(h): Websites that provide online retail sale of alcohol products shall require purchasers to certify that they are 18 years of age or over.

Guideline 3(i): Websites that primarily promote an alcohol brand and contain games, competitions or other interactive activities shall have an Age Verification Page at entry. Verification shall be by way of input of the visitor's date of birth.

The Chair noted the Complainant's concern the advertisement was emphasising alcoholic strength in both the body of the advertisement and the user generated content. The Complainant was also concerned about the age-gating on the landing website.

The Chair accepted the complaint to go before the Complaints Board to consider whether the Code for Advertising and Promotion of Alcohol had been breached. As part of the self-regulatory process, Advertisers have the option of amending or removing their advertising to comply with the Advertising Codes.

Upon receipt of the complaint, the Advertiser removed the Facebook advertisement.

The Chair noted the age-gate requirement of Rule 3(i) of the Code for Advertising and Promotion of Alcohol relates to alcohol brand sites. While it is not a requirement of retail brand sites to have an age-gate as the content (price and product) is similar to a catalogue, she noted the inconsistency reported by the Complainant, regarding an age gate on the beer and wine section but not the cocktails and RTDs section. The Advertiser amended the Skazka Delicatessen website pages which contained alcohol to include an age-gate feature.

The Chair confirmed there is a requirement for alcohol retail websites to verify the consumer is 18 years of age at the point of sale both in the Code for Advertising and Promotion of Alcohol and under the Sale and Supply of Alcohol Act 2012.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the Facebook advertisement and adding age-gating to the website landing site, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled.

Chair's Ruling: Complaint Settled
Facebook advertisement removed, Website advertisement amended

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.