

COMPLAINT NUMBER	19/449
COMPLAINANT	J Nicholls
ADVERTISER	Liquorland
ADVERTISEMENT	Liquorland, Brochure
DATE OF MEETING	10 December 2019
OUTCOME	Upheld Advertisement to be Removed

Description of Advertisement

The unaddressed mail Liquorland brochure contained a range of alcohol products on offer. The front page is headed “Summer close enough to taste. The brochure groups together different types of alcohol. The beer section is headed up “Beer – Everything’s brighter with a beer.” The advertisement has a logo in the left-hand corner saying “Love Beer”.

Summary of the Complaint

The Complainant is concerned the advertisement is misleading to say beer makes things brighter as alcohol is a depressant. They say the advertisement sends a dangerous message about alcohol consumption and the unrestricted medium means children could be exposed to it.

Issues Raised:

- Social Responsibility
- Alcohol consumption linked to improved lifestyle

Summary of the Advertiser’s Response

The Advertiser said the main theme of the promotional mailer was Summer and the beer heading was referring to the sunny bright nature of the Summer season. The Advertiser said with daylight saving, BBQ’s and socialising, summer is brighter and the beer message was intended in this context.

Summary of the Complaints Board Decision

The Complaints Board Upheld a complaint about a Liquorland brochure with a heading “Everything’s brighter with a beer.” The Complaints Board said the advertisement implied that drinking beer would lead to a beneficial, better outcome which was in breach of Principle 1 and Guideline 1(b) of the Code for Advertising and Promotion of Alcohol.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

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

Guideline 1(b) While alcohol advertising and promotions may depict the consumption of alcohol as incidental to a friendly and happy social environment, it shall not promote drinking alcohol as a better or more attractive lifestyle choice nor imply that the success of a social occasion depends on the presence or consumption of alcohol.

Guideline 1(d) Alcohol advertising and promotions shall not depict alcohol as a necessity, nor required for relaxation nor suggest it offers any therapeutic benefit.

Relevant precedent decision

In considering this complaint the Complaints Board referred to precedent decision, Decision 18/242 which was Settled.

The full version of this decision can be found on the ASA website

<https://www.asa.co.nz/decisions/>

Decision 18/242 concerned a Facebook advertisement for Super Liquor Holdings Ltd which said “Need a pick me up? Layer up, stick the fire on and make the most of these super deals on your favourite brews!”

The Chair of the Complaints Board noted the Advertiser’s explanation that there had been an error of process rather than any intent to promote alcohol in an irresponsible way. The Chair settled the complaint after the self-regulatory action taken by the Advertiser in removing the advertisement

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement’s heading “Everything’s brighter with a beer” was that a beer will make the world a better brighter place.

Does the advertisement promote the consumption of alcohol as a better or more attractive lifestyle choice?

The Complaints Board said the direct link made between everything being brighter and the consumption of beer was likely to be interpreted by most consumers as meaning that everything would be better with a beer. The Board said the association made about the beneficial outcome of drinking beer was not mitigated by the overall summer theme of the brochure.

The Complaints Board noted the unrestricted nature of the unaddressed mailer advertisement meant that anyone, including minors, had access to this message which increased the risk of promoting alcohol in an irresponsible manner.

Does the advertisement depict alcohol as a necessity or required for relaxation?

The Complaints Board said the advertisement did not depict alcohol as a necessity or required for relaxation and ruled there had not been a breach of Guideline 1(d) of the Code for Advertising and Promotion of Alcohol.

Does the advertisement observe a high standard of social responsibility?

The Complaints Board confirmed the high standard of social responsibility required in alcohol advertising as it is a restricted product.

The Complaints Board unanimously ruled the advertisement had not observed the high standard of social responsibility required of alcohol advertising, taking into account context,

medium, audience and product. The advertisement was in breach of Principle 1 and Guideline 1(b) of the Code for Advertising and Promotion of Alcohol.

Outcome

The Complaints Board ruled the complaint was **Upheld**.

Advertisement to be removed and not used again in its current form.

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 days of receipt of this decision.

APPENDICES

1. Complaint
2. Response from Advertiser

Appendix 1

COMPLAINT FROM J NICHOLLS

Liquorland distributed this as part of their November 11 - 24 advertising campaign in Christchurch, and doubtless elsewhere.

The claim that "Everything's brighter with a beer" is clearly misleading, since alcohol is a depressant. It is also dangerous, in that it may well encourage the gullible to believe that any time they need to brighten up, they just need to partake of beer. The "Love Beer" icon only adds to that impression.

As an advertisement stuffed into everyone's mailbox, this material is freely available to children, to whom it could give a very false impression about the desirability of drinking alcohol.

In view of your success in doing away with the infamous "Ice cream makes u happy" poster, I trust you will give equal zeal to the elimination of the even more dangerous message in this Liquorland advertisement and ensure that it is not repeated by setting a guideline on the matter for the advertiser to adhere to.

Appendix 2

RESPONSE FROM ADVERTISER, LIQUORLAND

A basic, neutral description of the advertisement	Liquorland letterbox mailer
Date advertisement began	11 November 2019
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	Printed mailer and digital mailer available online.
Is the advertisement still accessible – where and until when?	No. Mailer expired 24 November.
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	
Who is the product / brand target audience?	Consumers aged 18 + years
Clear substantiation on claims that are	

challenged by the complainant.	
<p>The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.</p>	<p>In context of the promotional mailer, the main theme was 'Summer' therefore the headline in question is referring to the sunny and brighter nature of the Summer season upon us. Daylight savings, the sunshine hours are increased, BBQ's and socialising become commonplace. So, the summer season is brighter. Beer is a common part of these Summer activities for many.</p> <p>We believe the headline is being misconstrued by the reader. Included is the full mailer in question to provide this context. We believe that nearly all consumers in the intended audience will understand the message in context.</p>