

COMPLAINT NUMBER	20/184
COMPLAINT ON BEHALF OF	Alcohol Healthwatch
ADVERTISER	Cheers.org.nz
ADVERTISEMENT	Cheers.org.nz, Facebook
DATE OF MEETING	12 May 2020
OUTCOME	Settled – advertisement removed

Advertisement: The Cheers NZ Facebook post says “Thanks to everyone for your feedback to our #drinknormal campaign. For those who haven’t seen it, we’re encouraging Kiwis to #drinknormal in lockdown. That means sticking to the Ministry of Health’s Safe Drinking Guidelines, that’s two drinks a day for a woman and three for a man with two nights off the booze each week. How about making today an alcohol free day? Instead of a drink at 5pm, get outside for a walk or play a game with the kids.”

The Chair ruled the complaint was Settled

Complaint: This complaint relates to a Facebook advertisement for the Cheers campaign #drinknormal. The advertisement was seen on Facebook on 1 May 2020, but from the image at the end of this letter was posted on April 23, 2020.

This complaint relates to Guideline 2b of the Advertising Standards Code:

Rule 2 (b) Truthful presentation

Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise.

Ministry of Health safe drinking guidelines do not exist. The Health Promotion Agency has published low-risk drinking advice, that perhaps could also be referred to as the Ministry of Health low-risk drinking advice given they also appear on the Ministry's website (<https://www.health.govt.nz/your-health/healthy-living/addictions/alcohol-and-drug-abuse/alcohol>).

Placing the terms safe drinking alongside a leading health authority in New Zealand (the Ministry of Health) creates confusion to the reader and is factually incorrect. It is misleading to attribute the Ministry of Health to promoting safe drinking.

We ask that the Complaints Board consider whether the advertisement is in breach of the Code.

The relevant provisions were Advertising Standards Code - Principle 1, Principle 2, Rule 2(b);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of

knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair noted the Complainant's concern the advertisement is misleading to place a safe drinking message #drinknormal alongside a Government health authority's name and this could confuse consumers.

The Chair acknowledged the Advertiser confirmed removal of the Facebook post following receipt of the complaint and agreed not to use the advertisement again.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken by removing the advertisement, 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 – advertisement removed**

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.