

COMPLAINT NUMBER	20/171
ADVERTISER	DB Breweries Limited
ADVERTISEMENT	Heineken, Instagram
DATE OF MEETING	15 May 2020
OUTCOME	Settled – advertisement removed

Advertisement: The Heineken NZ digital marketing advertisement promotes its beer by using celebrity endorsement. Art Green, who is shown holding a Heineken beer and nominating his friends. The video posted on his Instagram story is accompanied by the #sp, tagging of Heineken NZ, and a sticker of two Heineken bottles with the words 'stay apart' between them.

The Chair ruled the complaint was Settled.

Complaint: I believe this ad is in breach of rules around influencer advertising, #sp is not nearly clear enough of an indication that the content has been paid for.

The Advertiser, DB Breweries Limited, said in part:

"We refer to your letter dated 4 May 2020 concerning the above complaint in relation to an Instagram Story post by Art Green.

The complainant considers the Instagram Story to be in breach of rules around influencer advertising on the basis that "#sp is not nearly clear enough of an indication that the content has been paid for."

DB Breweries Limited (**DB**) supports the Principles and guidance provided by ASA about the "Identification of Advertisements". In particular, the guidance provides that "[t]here are a number of considerations that help determine whether an advertisement is clearly identified to the audience. Further,

"There is flexibility when it comes to ensuring advertising content is identified as such. Where an 'identifier' is considered necessary, parties may use logos or brand names combined with other visual or audio cues where appropriate, such as background shading, outlines, borders, graphics and video or audio messages depending on the medium."

Only when it is not obvious that content is an advertisement may the audience need some form of 'identifier', such as (but not limited to) using #Sponsored and #Promoted.

DB not only supports this position but goes further. Our contractual arrangements with influencers require that, regardless of the context, a full hashtag identifier is required (such as #sponsored).

We note that the content tagged "@heineken_NZ", featured the Heineken "Stay apart" campaign logo messaging (which prominently features two green Heineken beer bottles), and Art Green himself holds a Heineken beer. While we consider it likely that the audience would understand this to be an "advertisement" for the purpose of the ASA Code, the content

is no longer on Instagram and we accept that it, at the least, does not comply with our internal standards.

DB continues to work with, and educate, its influencers to ensure that they are aware of their obligations under the ASA Guidelines and their responsibilities as an influencer engaged by DB.”

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(f); Code for Advertising and Promotion of Alcohol - Principle 1 , Principle 4, Guideline 4 (a), Guideline 4 (b), Guideline 4 (d) and Guideline 4 (e)

The Chair noted the Complainant’s concern the sponsored nature of the advertisement was not made sufficiently clear.

Given the Advertiser’s co-operative engagement with the process and the self-regulatory action taken in 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.