

COMPLAINT NUMBER	20/223
ADVERTISER	Lion
ADVERTISEMENT	Corona Ligera, Billboard
DATE OF MEETING	15 July 2020
OUTCOME	Settled -advertisement removed

Advertisement: The Corona Ligera billboard advertisement promotes the new Corona Ligera beer. The billboard shows a beach background accompanied by the text "New Corona Ligera". The billboard shows the product alongside more text saying "3.2% ABV".

The Chair ruled the complaint was Settled.

Complaint:

This complaint relates to an alcohol advertisement for Corona Ligera on a billboard located on the corner of Khyber Pass Rd and Huntly Ave in Grafton, Auckland. The billboard is located approximately 70 metres across the street from St Peter's College, which occupies the corner of Khyber Pass Rd and Mountain Rd in Grafton. Also in the vicinity of the billboard and the school is Grafton station, which is used by many students from St Peter's College and the nearby Auckland Grammar School. Details of the billboard are appended at the end of this letter.

Principle 3 of the Code for Advertising and Promotion of Alcohol states:

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.

Given the placement of the billboard in very close proximity to St Peter's College, and nearby to Auckland Grammar School, we submit that this placement is inconsistent with Principle 3 of the Code for Advertising and Promotion of Alcohol. The placement of the billboard also raises concerns around social responsibility. We request that the Complaints Board Chair also determine whether the advertisement should be considered under Principle 1 of the Code for Advertising and Promotion of Alcohol.

We note that the Corona Ligera billboard at the corner of Khyber Pass Rd and Huntly Ave is approximately 70 metres from St Peter's College, and is clearly visible from the school grounds and to students walking to and from Grafton Station. The appended map shows circles of 100metres and 300 metres radius from the boundary of St Peter's College.

We submit that placing alcohol advertisements in close proximity to schools is inconsistent with a high standard of social responsibility, and ask that the Complaints Board consider whether this advertisement breaches the advertising codes referred to above. We ask that the Complaints Board seek a response from the media company along with the alcohol company.

We refer to recent ASA complaints 20/006 and 20/043 as being relevant to this complaint. We note that in their response to complaint 20/006, Media company JCDecaux provided the following statement:

Response from Media, JCDecaux, said: “I wanted to send across an email on behalf of our business as a whole and also our approach to regulating alcohol advertising in visual proximity to schools zones and students.

We have been working on this project for a couple of weeks now, essentially working to 300m exclusion zones for any area that might be a conflict. There has been some quite detailed work involved and so I apologise for how this has been missed in the overall process.

I can assure you the implementation of these self-regulated exclusions are an absolute priority for our business and industry. We also recognise this is an important responsibility for Rocket and Beam Suntory, and that we must complete all necessary due diligence when working together on alcohol brands.

Whilst we understand the ASA has already had a report, we were also pleased to be able to identify and resolve the situation quickly. Moving forward our target is to have zero instances in which these errors might occur.”

The relevant provisions were Code for Advertising and Promotion of Alcohol - Principle 1, Principle 3;

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

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.

The Chair noted the Complainant’s concerns the alcohol billboard advertisement had been placed in close proximity to a school.

The Chair accepted the complaint to go before the Complaints Board, for adjudication as to 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 elected to remove the advertisement and confirmed it will not use the billboard site going forward.

The Chair also noted the response received from the media company, JC Decaux which stated:

“The rule that we apply to running advertising material on our billboards with regards to minors, is that which has been set by OMANZ in discussion with the associated regulatory bodies within New Zealand.

This rule is that no such material should be displayed on media sites that are within a 300 metre sight line of the main school gate. The main school gate for St Peters is on Mountain Road and this site is not in sight line as it is around the corner. In addition, there is no direct access to Mountain Road from St Peters.

As such we do not believe that this has breached any regulations and that JCDecaux has operated within the standards set.”

The Chair said the task before her on behalf of the Board was to assess whether the Advertiser’s action removing the Corona Ligeria advertisement and not using the site again was sufficient to settle the complaint.

The Chair confirmed the Advertiser’s action was equivalent to that required by the Board if the complaint was upheld.

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.