

COMPLAINT NUMBER	20/439
ADVERTISER	Asahi Beverages (NZ) Ltd
ADVERTISEMENT	Carlsberg Digital Marketing
DATE OF MEETING	21 September 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Carlsberg advertisement on The Rock radio station website includes the phrase “Probably the Best Beer in the World”.

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: I would like to complain about the advertising for Carlsberg (beer) as attached, specifically, I understand claims about a product need to be able to be substantiated. The statement in the ad that claims Carlsberg is “probably the best beer in the world” appears to bear no relation to any awards given that would back up that claim. In the absence of any references, or any description of how the word ‘best’ is to be interpreted in the context, it seems highly likely that it is almost certainly not the best beer in the world. Mathematically unlikely if nothing else (I understand NZ has 218 breweries, according to Google, so a 1 in 218 chance, all things being equal).

I appreciate it is very likely the ad campaign is intended as tongue-in-cheek; a self-deprecating acknowledgement that it is definitely not the best beer by any standard. But if it wasn’t successful at suggesting the possibility to someone, it wouldn’t succeed in increasing sales.

Does this constitute false advertising?

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

CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL

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

Guideline 1 (h): Alcohol advertising and promotion shall not contain any statement or visual presentation or create an overall impression which directly or by implication, omission, ambiguity or exaggerated claim is misleading or deceptive or is likely to deceive or mislead the consumer. Obvious hyperbole, identifiable as such, is not considered to be misleading.

The Chair noted the Complainant’s concerns the advertisement made an unsubstantiated claim that Carlsberg beer was “probably the best beer in the world” and this might be false advertising.

The Chair said the statement “probably the best beer in the world” was identifiable as hyperbole and is presented as the Advertiser’s opinion. The Chair said as such it did not require substantiation.

The Chair said the advertisement was not in breach of Principle 1 or Guideline 1(h).

The Chair ruled the complaint had no grounds to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

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.