

<b>COMPLAINT NUMBER</b>	21/269
<b>ADVERTISER</b>	Wakachangi Lager
<b>ADVERTISEMENT</b>	Wakachangi Lager Out of Home
<b>DATE OF MEETING</b>	3 June 2021
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Wakachangi Lager out of home advertisement had a cartoon image of a man wearing a torn shirt supporting a fainting woman with his right arm. In his left hand he is holding a barbeque implement, attempting to defend himself against an attacking red-eyed guinea pig.

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

**Complaint:** The sign is large and colourful on the footpath in the middle of the Rai Valley township 500 metres from the local area school . It depicts a man with a woman over his knee either dead or near with him brandishing some type of weapon over her. It depicts violence and sexism and is offensive.!

**The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c); Code for Advertising and Promotion of Alcohol - Guideline 1 (a), Guideline 1 (g), Principle 1, Principle 2; Principle 3.**

#### **ADVERTISING STANDARDS CODE**

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

**Rule 1(c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

#### **CODE FOR ADVERTISING AND PROMOTION OF ALCOHOL**

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

**Guideline 1 (a):** Alcohol advertising and promotions shall not link alcohol with daring, aggressive, unruly, irresponsible or antisocial behaviour nor suggest any association with, acceptance of, or allusion to, tobacco, illicit drugs or volatile substances such as glue and petrol; explosives and weaponry.

**Guideline 1 (g):** Alcohol advertising and promotions shall not cause widespread or serious offence, taking into account prevailing community standards, context, audience, medium and product.

**Principle 2:** Alcohol Advertising and Promotions shall be consistent with the need for responsibility and moderation in alcohol.

**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 advertisement was violent and offensive and inappropriately placed, being too near to a school.

The Chair referred to two precedent decisions, 18/180 and 21/169, both of which were Not Upheld by the Complaints Board.

The decision for 18/180 concerned an instore advertisement for Wakachangi Lager, which was displayed on the packaging for a 12 pack of the product.

The Board said the image was a 1950's style parody and included humorous references and had the accompanying text: "With the beast's razor-sharp tusks at his throat, Great Uncle Kenny drew his BBQ mate and slew the rare but ferocious guinea pig, thereby saving his Tinder date. (Peru 1936). Quite Nice Beer! ..."

The Complaints Board agreed the hero in the advertisement was trying to defend himself, and the fainted woman he was carrying, from the attacking red eyed, tusked guinea pig, with a BBQ Mate. This scenario was theatrical and hyperbolic and not meant to be taken seriously. The Complaints Board said it does not appear that the man intended to harm the woman in any way.

The Complaints Board agreed the role of the male hero, while outdated, was exaggerated and unlikely to cause serious and widespread offence. It also agreed that while the image of the woman showed some cleavage, it did not meet the threshold to breach Rule 1(g).

Next the Chair considered precedent 21/169. This complaint related to a billboard advertisement for Jim Beam Bourbon Whiskey mixed with Zero sugar Cola. The Board said the advertisement, which was located in central Christchurch, was not directed at minors. Although it would likely be seen by children and young people, there was no evidence that children and young people would make up 25% or more of the audience.

The Chair said both precedent decisions applied to the complaint before her. The Chair said the imagery in the advertisement was the same as that in Complaint 18/180 and while hyperbolic and dramatic, it does not appear that the man intended to harm the woman in any way. The placement of the advertisement as a sign at a licensed premise, meant that the advertisement was not directed at minors.

The Chair said although this advertisement was likely be seen by children and young people, it was unlikely that children and young people would make up 25% or more of the audience.

The Chair said taking into account context, medium, audience and product, the advertisement was not in breach of Principle 1, Guideline 1(a), Guideline 1(g), Principle 2 or Principle 3 of the Code for Advertising and Promotion of Alcohol or Principle 1, Rule 1(c) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaint 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.