

<b>COMPLAINT NUMBER</b>	21/260
<b>ADVERTISER</b>	Glacial
<b>ADVERTISEMENT</b>	Glacial Instagram
<b>DATE OF MEETING</b>	12 July 2021
<b>OUTCOME</b>	Settled

**Advertisement:** The Instagram post by @laratilly promotes the Glacial watermelon product. The image is a close-up shot of Lara Tilley. She has watermelon-style eye makeup and is holding a can of watermelon flavoured Glacial with a pink straw in her mouth. The caption reads "Watermelon Vodka don't mind if I do 🍉 my go to weekend drink atm so yum @glacialnz AD".

**The Chair ruled the Complaint was Settled.**

**Complaint:** This complaint relates to an alcohol advertisement for Glacial Hard Seltzer posted on the Instagram account of Lara Tilley: <https://www.instagram.com/p/C1FPLxkJ09-/>

Details of the advertisement are appended at the end of this letter. The advertisement was posted on November 27, 2020 on Lara Tilley's Instagram account.

Guideline 3c of the Code for Advertising and Promotion of Alcohol states:

*Anyone visually prominent in alcohol advertising and promotions depicting alcohol being consumed shall be, and shall appear to be, at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age or older. ...*

The influencer Lara Tilley is visually prominent in this advertisement where she is pictured drinking a Glacial Hard Seltzer product from a straw. The associated caption reads: *Watermelon Vodka don't mind if I do 🍉 my go to weekend drink atm so yum @glacial.nz AD*

We submit that when this photograph taken (sometime on or before November 27, 2020) and when the advertisement was published on Lara Tilley's Instagram account that Tilley was under 25 years old. Tilley is identified as 21 years of age on the TVNZ page for Glow Up, a TV show featuring Tilley that screened in August–September 2020: <https://www.tvnz.co.nz/shows/glow-up-nz/the-contestants/lara-tilley>

Given Tilley's age and the depiction of alcohol being consumed, we submit that this advertisement is inconsistent with Guideline 3c of the Code for Advertising and Promotion of Alcohol. We ask that the Complaints Board consider whether this advertisement breaches the advertising guideline referred to above, and whether this advertisement has observed a high standard of social responsibility.

#### **Procedural note**

The Alcohol Advertising and Promotion Code came into force effective 1 July 2021 for all advertisements including those recently posted on social media prior to that date. The complaint was made about an advertisement posted when the Code for Advertising and Promotion of Alcohol was still in force. Unfortunately, there was some delay before the

secretariat were successful in contacting the Advertiser. The Advertiser was therefore asked to respond to the complaint under the Alcohol Advertising and Promotion Code.

**The relevant provision was the Alcohol Advertising and Promotion Code - Principle 1, Rule 1(b).**

**Principle 1 Social Responsibility-** Alcohol Advertising and Promotion must be prepared and placed with a high standard of social responsibility to consumers and society.

**Rule 1 (b) Targeting Adults-** the content of Alcohol Advertising and Promotion must target adults.

**The Chair** noted the Complainant's concern that the advertisement uses content from an influencer under the age of 25. The Code provides guidelines to assist in determining whether the Principle 1 social responsibility and Rule 1(b) content must target adults, are breached. Guideline 7(i) states that Adults who are visually prominent in Alcohol Advertising and Promotion must be (a) at least 25 years of age; and (b) appear to be at least 25 years of age with their behaviour and appearance clearly appropriate for people of that age and older.

Upon receipt of the complaint the Advertiser contacted the influencer to request that the content be removed. The Secretariat confirmed the advertisement's removal.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled the matter was Settled.

**Chair's Ruling:** Complaint **Settled**

#### **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.