

COMPLAINT NUMBER	21/265
ADVERTISER	Glacial
ADVERTISEMENT	Glacial Instagram
DATE OF MEETING	12 July 2021
OUTCOME	Settled

Advertisement: The Instagram post on the Glacial NZ account is an image of a young woman kneeling on a beach with a can of Glacial product in her right hand. There are four boxes and ten cans of Glacial product around her in the foreground. The caption states, "Happy hump day. How good does a Glacial on the beach look right about now?!" and credits @laratilly with the photo.

The Chair ruled the Complaint was Settled.

Complaint: This complaint relates to an alcohol advertisement for Glacial Hard Seltzer posted on the Glacial NZ Instagram and Facebook accounts, and on the Instagram account of Lara Tilley:

<https://www.instagram.com/p/CLYVaIRJBx-/>
<https://www.facebook.com/Glacial.NZ/posts/227534565759663>
<https://www.instagram.com/p/Clr5ru7JwRw/>

Details of the advertisement are appended at the end of this letter. The advertisements were posted on February 17, 2021 on the Glacial NZ social media accounts, and on December 12, 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 kneeling in the sand at a beach in Timaru surrounded by 3 or 4 open boxes Glacial Hard Seltzer products, with approximately 11 cans visible, including one in Tilley’s right hand. The associated caption in the Glacial NZ posts reads:
 Happy hump day How good does a Glacial on the beach look right about now!? @laratilly
 #GlacialDrinks #HardSeltzer #Collagen

The caption with Lara Tilley’s post reads:
 Beach day with @glacial.nz #ad
 We submit that the placement of the can in Tilley’s right hand, along with the caption “How good does a Glacial on the beach look right about now!?” and the hashtag #GlacialDrinks, makes it reasonable for consumers to conclude that the alcohol is being consumed “right about now”.

We submit that when this photograph taken (sometime before December 12, 2020) and when the advertisement was published on Glacial NZ social media accounts on February 17, 2021,

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 also submit that the large number of cans and boxes present, with only one person shown, raises concerns that the advertisement may also be breaching Principle 2 of the Code for Advertising and Promotion of Alcohol, in particular Guideline 2b.

We ask that the Complaints Board consider whether this advertisement breaches the advertising principles 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 provisions were Alcohol Advertising and Promotion Code- Principle 1, Rule 1(b) and Rule 1(c).

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

Rule 1(c): Alcohol Consumption – Alcohol Advertising and Promotion must demonstrate responsibility and low risk Alcohol consumption.

The Chair the 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 and portrays excessive consumption.

The Chair acknowledged the Advertiser had removed the advertisement after receiving the complaint. The Advertiser also reached out to the influencer to request that the content be removed from their account.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisements, 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.