

COMPLAINT NUMBER	22/062
ADVERTISER	Simone Anderson
ADVERTISEMENT	Simone Anderson Instagram
DATE OF MEETING	17 March 2022
OUTCOME	Settled

Advertisement: The complaint relates to three advertisements posted by Simone Anderson (@simone_anderson) on her Instagram account.

Advertisement 1: The post on February 12, 2022 promotes Wharekauhau Luxury Lodge, with the caption describing the accommodation, food and drinks, entertainment and service. Two alcohol brands, @lighthousegin and @tekairangaestate, are tagged in the caption. The post includes 10 different images of the accommodation, food and drink, including an image of Simone holding her son, with a bottle each of Te Kairanga Estate and the Lighthouse gin on the table in front of her.

Advertisement 2: The post on December 21, 2021 describes Simone's birthday and promotes Perfectly Imperfect Pizza, Te Whare Ra Wines and Alessandra Cashmere (each tagged in the caption). The post includes 10 images of the celebration, showing people sitting together around a table, the food, the wine in the chilly bin, and a video which shows a woman holding Simone's son.

Advertisement 3: The post on December 20, 2021 promotes a paid partnership with TOK TOK and Live Like Lil. It describes Simone's birthday celebration at TOK TOK restaurant with her husband and infant son. The 10 accompanying images show Simone, her husband and son at the restaurant, their food and drinks, an selfie of Simone, images of her son, and a video of her son eating watermelon.

The Chair ruled the Complaint was Settled.

Complaint: PRINCIPLE 1: SOCIAL RESPONSIBILITY Rule 1 (a) Targeting Adults – Timing and placement 3. Age-restricted media Alcohol Advertising and Promotion may be placed in age-restricted media only when appropriate tools are used to select Adult audiences and/or access is restricted to Adults only. Comment: Ms Anderson's Instagram account is accessible by those under 18 years of age and no age barrier is placed on alcohol promotion content. Her content appeals to and targets young women. Rule 1 (b) Targeting Adults – Content 5. Minors must not appear in Alcohol Advertising or Promotion. Comment: Ms Anderson's infant son appears repeatedly in content promoting alcohol. Ms Anderson is seen feeding him a bottle whilst holding a glass of wine, and a bottle is pictured alongside a glass of wine in another image with the caption "couple of beverages on arrival". He is pictured with a wine and gin bottle, with both products tagged for viewers to easily navigate to the brands' Instagram pages. This is a paid partnership with the premises, indicating that the alcohol products were given to Ms Anderson and her husband and intended to promote alcohol. In another post, her son is seen in a video where a brand of wine is tagged. A further post shows Ms Anderson's husband holding their son who is intently staring at cocktails on a table in a licensed premises. This is a paid partnership with the premises, indicating that the alcohol products were given to Ms Anderson and her husband and intended to promote alcohol. Further images can be provided, a maximum of 3 have been included in this complaint.

The relevant provisions were Advertising Standards Code - Principle 1; Principle 1- Social Responsibility, Rule 1(a) - Targeting Adults -Timing and Placement, Rule 1(b) - Targeting Adults - Content

The Chair noted the Complainant was concerned that the advertisements which featured alcohol also showed a minor.

The Chair accepted the complaint to go before the Complaints Board to consider whether the Advertising Standards Code had been breached. As part of the self-regulatory process, Advertisers and Media have the option of amending or removing their advertising to comply with the Advertising Codes

The Chair acknowledged the Advertiser had removed the advertisement after receiving the complaint.

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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.