

COMPLAINT NUMBER	22/051
ADVERTISER	Lion NZ/Highlanders
ADVERTISEMENT	Highlanders YouTube, Facebook, and Instagram
DATE OF MEETING	11 April 2022
OUTCOME	Settled

Advertisement: The Highlanders YouTube, Facebook and Instagram accounts feature a video series called "Pen Pals". The videos show three Highlanders players sitting in front of backdrop which shows the logos of the team's sponsors. They ask each other questions written by students of Green Island school and Omarama school. The Highlanders YouTube account shows the full-length version of the videos while the Instagram and Facebook accounts show shorter clips.

The Chair ruled the Complaint was Settled.

Complaint: This complaint concerns the advertising and promotion of Speight's on:

- The Highlanders Super Rugby YouTube channel - <https://www.youtube.com/user/thehighlandersrugby/featured>
- The official Highlanders Instagram account - <https://www.instagram.com/highlandersteam/>
- The official Highlanders Facebook account - <https://www.facebook.com/HighlandersFB>

Principle 3 (Alcohol sponsorship advertising and promotion) of the Alcohol Advertising and Promotion Code states the following:

Alcohol Sponsorship Advertising and Promotion must target Adults and primarily promote the Sponsored Party

Rule 3 (a), Guideline 4, states that:

alcohol advertisers must not feature alcohol branding on any promotional material that is primarily appealing to, or is likely to be distributed to, minors.

Principle 1 (Social responsibility) states that:

alcohol advertising and promotion must be prepared and placed with a high standard of social responsibility to consumers and society.

Rule 1 (b), Guideline 2, states that

advertisers must be able to demonstrate that they have taken care in the development of the content of Alcohol Advertising and Promotion to only target Adults. Advertisers must exercise particular caution with the timing and placement of Alcohol Advertising and Promotion when the presentation and content could appeal to a wide age range (see Rule 1 (a)).

On the three social media accounts are posted up to four Pen Pals episodes, published by the Highlanders Super Rugby Franchise. The videos feature questions to Highlanders players from pupils at Green Island School and Omarama School, some of whom are identified from their letters as 8 year olds and 9 year olds. Up to four Speight's logos are visible on the backdrop of these episodes.

It is clear that these Pen Pals episodes that are featured on the Highlanders social media accounts are primarily appealing to minors, and are likely to be distributed to minors, specifically the pupils of Green Island School and Omarama School, who participated in the creation of this content.

We submit that the inclusion of alcohol branding in this promotional material that primarily appeals to minors is likely to be distributed to minors and therefore breaches Principle 3 of the Alcohol Advertising and Promotion Code, specifically Rule 3 (a), guideline 4. We also submit that Principle 1 of the Code, specifically Rule 1 (b), guideline 2, is being breached by the inclusion of alcohol advertising in this content which clearly targets minors and not 'only' adults.

I ask that the Complaints Board consider whether these advertisements breach Principle 1 and 3 of the Code.

- Instagram 1 <https://www.instagram.com/tv/CaGJJV8hVSm/>
- Instagram 2 <https://www.instagram.com/p/CaWWYt3LwGn/>
- YouTube (Episode 1) <https://youtu.be/z29fsvai03E>
- YouTube 1 (Episode 2) <https://youtu.be/S5Re-7VWpgl>
- YouTube 3 (Episode 3) <https://youtu.be/UMJ54RDffmo>
- YouTube 2 (Episode 4) https://youtu.be/_onoaoAi6v4
- Facebook 1 <https://www.facebook.com/HighlandersFB/videos/highlanders-pen-pals-with-sbs-bank-episode-2/320529430122818/>
- Facebook 2 <https://www.facebook.com/HighlandersFB/videos/highlanders-pen-pals-with-sbs-bank-episode-1/509892247518581/>
- Facebook 3 <https://www.facebook.com/HighlandersFB/videos/cgbs-stitch-up-on-kayne-hammington/291211816466396/>

The relevant provisions were Alcohol Advertising and Promotion Code- Principle 1, Principle 3, Rule 1 (b) and Rule 3(a)

The Chair noted the Complainant was concerned the advertisement was showing the Speights branding in videos aimed at children.

The Chair accepted the complaint to go before the Complaints Board to consider whether the Alcohol Advertising and Promotion Code had been breached.

As part of the self-regulatory process, Advertisers have the option of amending or removing their advertising to comply with the Advertising Codes.

The response from Lion and the Highlanders said in part "The Highlanders withdrew the videos subject to the complaint from all channels upon being notified of the complaint on 29 March 2022. We confirm that the videos will not be re-broadcast or re-published.

Lion and the Highlanders agree that the incident is unacceptable. Lion has outlined the seriousness of the incident to the Highlanders reiterating that the Speight's brand must not feature at any events or in any content likely to be popular with, or targeted at, minors."

The Chair noted the advertisements related to the Speights brand appearing in advertising on the Highlanders team social media accounts and confirmed both Lion and the Highlanders were responsible for compliance with the Alcohol Advertising and Promotion Code.

The Chair noted the advertising had been removed upon receipt of the complaint. The Chair confirmed that removal of the advertising is the equivalent action the Complaints Board can request if a complaint is upheld. The Advertisers also confirmed they will not use the advertising again..

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

The Chair ruled that the complaint 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.