

COMPLAINT NUMBER	22/104
ADVERTISER	Foodstuffs NZ
ADVERTISEMENT	New World, Digital Marketing
DATE OF MEETING	11 April 2022
OUTCOME	No Grounds to Proceed

Advertisement: The 15-page New World mailer on the New World website was valid in South Island stores between 28 March - 3 April 2022. The first five pages advertise specials with the header, "Be ready for anything this Easter", including Easter-themed confectionery, broccoli, meat, beer/wine and pantry items. The rest of the mailer promotes items according to product category and highlights competitions and recipes.

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

Complaint: I would like to formally complain about the alcohol advertising in both the Countdown and New World (South Island) weekly mailers for the week commencing 27/03/2022.

The complaint relates to alcohol being peppered through the weekly mailers where products such as sweets and treats which would appeal to children and underage youths. This advertising and imagery normalizes alcohol brands and may also perpetuate problem drinking by association with products in the mailers in unexpected places.

I think that because alcohol is an age limited purchase, with lots of consequences in the community with alcohol related problems, that the alcohol advertising in mailers (both online and in print) needs to be separate from regular open sale grocery items.

I find it particularly disturbing this week due to the alcohol and Easter association.

The relevant provisions were Principle 1, Rule 1(a), and Rule 1(b) of the Alcohol Advertising and Promotion Code;

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 (a) Targeting Adults – Timing and placement: The timing and placement of Alcohol Advertising and Promotion must target Adult audiences.

Rule 1 (b) Targeting Adults – Content: The content of Alcohol Advertising and Promotion must target Adults.

The Chair noted the Complainant raised an issue with two different advertisers. See Decision 22/103 for the Chair's assessment of the Countdown advertisements.

The Chair then turned to the New World advertisement. She acknowledged the Complainant's concern that the advertisement normalises alcohol by placing it next to other grocery items such as treat foods, which have appeal to minors.

The Secretariat confirmed with the Advertiser that the advertisement was published on their website only. It had not been distributed electronically or as a printed version.

The Chair noted alcohol products appeared on page two of the digital mailer, alongside products such as ice cream, crumpets, dog food and muesli bars. Alcohol products also appeared on the last page of the mailer under the heading, "Beer, Cider & Wine".

The Alcohol Advertising and Promotion Code requires the Chair to consider whether the advertisement sufficiently targets adults with respect to timing, placement and content.

The Chair said there was sufficient information to show that the advertisement targeted an adult audience. She referred to audience data provided by the Advertiser, showing the demographics of visitors to the web page. While the data did not show visitors under 18, the Chair said it strongly suggested more than 80% of the audience were adults as required by Rule 1(a) of the Code. The data showed 28% of visitors were 65+, 20% were 55-64, 20% were 45-54, 12% were 25-34, and only 4% of the audience were 18-24 years old. The Chair said the placement on the Advertiser's website, while an unrestricted medium, required that consumers actively seek the advertisement. She said it was reasonable to expect that the primary audience were household shoppers and consumers researching the prices of grocery items and she considered minors would make up less than 20% of the expected audience.

The Chair then turned to consider the level of appeal of the content under Rule 1(b). She said the content and style of the mailer was unlikely to appeal to minors. While the advertisement promoted Easter items, she said the mailer did not contain any cartoon representations or visually prominent illustrations. She said the mailer predominantly showed product images and prices, which is unlikely to interest an underage audience.

The Chair said alcohol was a legal product which was able to be advertised and sold by the supermarket to adults. She said, taking into account context, medium, product and audience, the alcohol products had been advertised in a way that was socially responsible. She confirmed the advertisement was not in breach of Principle 1, Rule 1(a) or Rule 1(b) of the Alcohol Advertising and Promotion Code.

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

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. 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.