

<b>COMPLAINT NUMBER</b>	22/119
<b>ADVERTISER</b>	Woolworths New Zealand
<b>ADVERTISEMENT</b>	Countdown New Zealand, Website
<b>DATE OF MEETING</b>	10 May 2022
<b>OUTCOME</b>	Not Upheld No Further Action Required

### **Summary of the Complaints Board Decision**

The Complaints Board did not uphold a complaint about a Countdown Easter promotion advertisement on the MetService website. The Complaints Board said the wording in the advertisement referring to the “right drink for Easter” promoted choice for an occasion for friends and family to gather and did not promote irresponsible consumption. The Board agreed the advertisement’s reference to Easter was unlikely to cause serious or widespread offence.

### **Advertisement**

The Countdown supermarket website advertisement had an image of two glasses of wine, one red, one white, where the wine was splashing over the top of the glasses. The text for the advertisement said, “The Right Drink for Easter”.

### **Summary of the Complaint**

The Complainant was concerned the advertisement was insensitive to Christian people by promoting a religious event and holiday as being about alcohol. The ad could also be interpreted in reverse, that not drinking is “wrong”.

### **Issues Raised:**

- Social Responsibility
- Alcohol consumption and effects
- Decency and Offensiveness

### **Summary of the Advertiser’s Response**

The Advertiser said the advertisement is part of their “alcohol brand proposition” called “The Right Drink for any Occasion” and isn’t used solely at Easter. The Advertiser said they didn’t want to denigrate Easter and its meaning to Christians, or imply that Easter is about drinking alcohol.

The Advertiser apologised for any offence it caused to the complainant.

A full copy of the Advertiser’s response is in Appendix 2.

## Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

### 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(c) Alcohol consumption:** Alcohol Advertising and Promotion must demonstrate responsibility and low-risk Alcohol consumption.

**Rule (d) Alcohol effects:** Alcohol Advertising and Promotion must not portray or suggest that the effects of consuming Alcohol can improve or enhance a situation or any personal attributes.

### ADVERTISING STANDARDS CODE

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1(c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

### Relevant precedent decisions

In considering this complaint the Complaints Board referred to precedent Decision 19/241 which was Upheld.

The full version of this decision can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

**Decision 19/241** concerned an Radio Hauraki website banner advertisement on the NZ Herald site. The advertisement flashes between the Beer and Pie July logo and the Radio Hauraki logo with the tagline “There’s nothing to gain when you abstain.” The Complainant was concerned the advertisement was misleading and could send a dangerous message about alcohol consumption to some people.

The Complaints Board Upheld the complaint and said the Advertiser’s claim that “there was nothing to gain when you abstain” was misleading and had not observed a high standard of social responsibility.

### Complaints Board Discussion

The Chair noted that the Complaints Board’s role was to consider whether there had been a breach of the Alcohol Advertising and Promotion Code or the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisement, and

- The context, medium, audience and the product or service being advertised, which in this case is:
  - Context: wine promotion for Easter
  - Medium: Digital advertisement on the MetService website
  - Audience: Users visiting the MetService website
  - Product: Supermarket brand advertisement and gateway to purchase products

#### *Consumer Takeout*

The majority of the Complaints Board agreed the likely consumer takeout of the advertisement would be that if you want to drink wine at Easter you can find the right one for you at Countdown.

A minority of the Complaints Board said some consumers could consider the use of the word 'right' in the advertisement to be encouraging the consumption of wine during the Easter holiday period.

#### *Does the advertisement demonstrate responsibility and low-risk alcohol consumption?*

The Complaints Board agreed the advertisement demonstrated responsible and low-risk consumption of alcohol. The Board said the image in the advertisement showed two glasses of wine being clinked to celebrate an occasion. The advertisement did not contain anything to suggest excessive consumption and was not in breach of Rule 1(c) of the Alcohol Advertising and Promotion Code.

#### *Does the advertisement suggest the effects of alcohol can improve or enhance a situation or any personal attributes?*

The Complaints Board said the advertisement did not suggest alcohol could improve a situation or personal attributes. The Board said despite the reference to Easter, most consumers would consider the advertisement was about the choice to purchase from a range of wine if they were interested in that product. The Complaints Board ruled the advertisement was not in breach of Rule 1(d) of the Alcohol Advertising and Promotion Code.

#### *Is the advertisement likely to cause serious or widespread offence?*

The Complaints Board unanimously agreed the advertisement did not meet the threshold to cause serious or widespread offence to consumers. The Board said the population in New Zealand was increasingly secular and the brief message contained in the advertisement was not likely to offend most consumers, including Christians.

The Complaints Board ruled the advertisement was not in breach of Rule 1(c) of the Advertising Standards Code.

#### *Has the advertisement been prepared and placed with a high standard of social responsibility?*

The majority of the Complaints Board said the advertisement had been prepared and placed with a high standard of social responsibility. The majority of the Board said the advertisement's message promoting choice was clear and it did not encourage excessive consumption or suggest inappropriate alcohol effects.

A minority of the Board disagreed and said the use of the word 'right' could be seen as a value judgement on what consumers should be drinking at Easter. A minority of the Board acknowledged that the Advertiser's wider campaign of "The right drink for any occasion" gave more context to the intent of the advertisement. The minority said the creative before it was required to stand in its own right and the context for the campaign was not clear in the shorter statement.

The minority of the Complaints Board said the reference to the "right drink" which was open to interpretation meant that the advertisement had not met the high social responsibility required

of alcohol advertising and was in breach of Principle 1 of the Alcohol Advertising and Promotion Code.

However, in accordance with the majority, the Complaints Board said the advertisement was Not Upheld, taking into account context, medium, audience and product and was not in breach of Principle 1 or Rules 1(c) or 1(d) of the Alcohol Advertising and Promotion Code or Principle 1 and Rule 1(c) of the Advertising Standards Code.

### **Outcome**

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

### **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 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.

## APPENDICES

1. Complaint
  2. Response from Advertiser
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### Appendix 1

#### COMPLAINT

I originally saw the ad on metService weather website. The ad is inappropriate and insensitive to Christian people and is promoting a religious event and holiday as being about alcohol and drinking through the use of the word "right". It might also be interpreted in reverse, that being sober or not drinking is "wrong". We live in a society harmed by alcohol daily and this phrasing is not helping. I have nothing against an Easter sale or drinking but there is no need to use the word right and imply that Easter has anything to do with alcohol.

### Appendix 2

#### RESPONSE FROM ADVERTISER, WOOLWORTHS NEW ZEALAND

Thank you for your letter dated 20 April 2022, regarding a complaint made about our advertisement that showed 2 glasses of wine clinking together, with the message "The Right Drink For Easter", displayed online during Easter 2022.

This Easter advertisement was an extension of our alcohol brand proposition which we launched in November 2021, "The Right Drink For Any Occasion". We have tied this into the majority of our Countdown alcohol advertisements since that launch, including seasonal events such as Christmas 2021, and Easter 2022 (which this complaint relates to). We attach in the Schedule to this letter some examples of how the brand proposition has been used in the months since it was launched. These examples are included just to show that the statement complained about was not developed solely for use over Easter, or to encourage drinking over Easter, as the complainant infers.

The particular advertisement in question appeared on our Countdown Online Shopping website, digital mailer, broadsheet mailer, facebook/instagram, email, and digital banners on a variety of websites between the dates of Monday 11th April - Monday 18th April. Given the Easter period is now over for 2022, we have removed this advertisement referencing Easter. However, we do propose to continue using the brand proposition "The Right Drink For Any Occasion" in our advertising for the foreseeable future.

Our National Alcohol Responsibility Manager consulted extensively with the liquor licensing team at the Auckland Council before this campaign was launched and the use of "right" was chosen over other options put forward.

We were definitely not wanting to denigrate Easter and its meaning to Christians, or imply that Easter is about drinking alcohol. Instead, we were just applying the alcohol brand proposition that we had consistently used from November 2021 and making it relevant to that time of year, being Easter.

We apologise for any offence it caused to the complainant.

If you would like to discuss any of the points made in this letter, please do not hesitate to contact me.