

COMPLAINT NUMBER	22/142
COMPLAINT ON BEHALF OF	Alcohol Healthwatch
ADVERTISER	Woolworths New Zealand Limited
ADVERTISEMENT	Countdown, Website
DATE OF MEETING	14 June 2022
OUTCOME	Upheld Advertisement not to be used again

Summary of the Complaints Board Decision

The Complaints Board upheld a complaint about a website advertisement for Countdown which referred to “more than 500 everyday essentials” and included alcohol products. The Board said it was not socially responsible for an Advertiser to promote alcohol as an essential everyday item.

Advertisement

The Countdown website advertisement promoted the Great Winter Freeze on its landing page with a banner showing a shopping cart of products. On the left-hand side of the advertisement was a list of categories, including one called “Beer and Wine”, which provided a link to the relevant alcohol products. The text said: “We’re freezing the prices of more than 500 everyday essentials like Odd Bunch carrots, Essentials rice, and our famous medium hot roast chicken. That means you can be sure to nab great value products, every time you shop with us this winter. Now that’s value you can count on.”

Summary of the Complaint

The Complainant, Alcohol Healthwatch, was concerned the advertisement was promoting unsafe drinking habits by classifying alcohol products as “everyday essentials”.

Issues Raised:

- Social Responsibility
- Alcohol Consumption

Summary of the Advertiser’s Response

The Advertiser defended the advertisement and said it did not consider that alcohol was promoted in the campaign or portrayed as indispensable.

The Advertiser said twenty alcohol products were originally included in the landing page, to enable customers to identify which products had frozen prices.

The Advertiser said during the first week of the campaign the advertisement was changed from “over 500 everyday essentials” to “a huge range of everyday essentials **and more**”. From 25 May 2022 the number of items on the website landing page was reduced from 700 to 540, to reflect what would be considered by many to be “proper essentials”. Although the prices for alcohol products were still frozen, alcohol was removed from the landing page.

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.

Guidelines

1. Alcohol Advertising and Promotion must not portray or represent irresponsible, harmful or excessive consumption of Alcohol, for example, but not limited to:
 - vi. Daily consumption or regular consumption that is portrayed as healthy or safe

Rule 1 (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.

Guidelines

1. Alcohol must not be portrayed or represented:
 - i. As indispensable or that it should take priority in life.

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. 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: Recent media coverage of a review of supermarkets and increased costs of living
 - Medium: Countdown website
 - Audience: Household shoppers
 - Product: Supermarket products including alcohol

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of the advertisement was Countdown is freezing the prices of more than 500 everyday items, described as "everyday essentials". The Board said the likely consumer takeout of the phrase "everyday essentials" was necessary items, used daily. The Board noted that alcohol products were included in the list of these products with frozen prices.

Relevant Codes

The Complaints Board agreed to focus its consideration of this complaint on Principle 1, Social Responsibility.

Was the advertisement prepared and placed with a high standard of social responsibility?

The Complaints Board agreed the advertisement was not prepared with a high standard of social responsibility. The Board said it was not socially responsible for an Advertiser to promote alcohol as an essential everyday item.

The Complaints Board noted the text in the original advertisement had been changed from “over 500 everyday essentials” to “a huge range of everyday essentials **and more**”.

The Complaints Board took into account the Advertiser defended the original advertisement and said it did not consider that alcohol was promoted in the campaign or portrayed as indispensable.

The Complaints Board disagreed. It considered the wording, and its placement, created a clear association between the phrase “everyday essentials” and alcohol products. The Board said there are several references in the Alcohol Advertising and Promotions Code restricting portrayal or representation of frequent consumption or that it is indispensable. The Board confirmed that as the likely consumer takeout of the phrase “everyday essentials” was necessary items, used daily, this representation of alcohol did not meet the requirement for a high standard of social responsibility.

The Complaints Board said taking into account context, medium, audience and product the advertisement was in breach of Principle 1 of the Alcohol Advertising and Promotions Code.

Outcome

The Complaints Board ruled the complaint was **Upheld**.

Advertisement not to be used again.

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.

APPENDICES

1. Complaint
 2. Response from Advertiser
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Appendix 1

COMPLAINT

Subject: ASA Complaint – Countdown ‘everyday essentials’ in the Great Price Winter Freeze

This complaint relates to alcohol advertised for sale by Countdown (Woolworths) supermarkets on May 6, 2022.

Alcohol is included within the statement “We're freezing the prices of more than 500 everyday essentials like Odd Bunch carrots, Essentials rice, and our famous medium hot roast chicken. That means you can be sure to nab great value products, every time you shop with us this winter. Now that's value you can count on.” See the end of this complaint for an image of the advertisement.

Principle 1 of the ASA Alcohol Advertising and Promotion Code states:

Alcohol Advertising and Promotion must be prepared and placed with a high standard of social responsibility to consumers and society.

Guideline 1(c) states:

Alcohol Advertising and Promotion must demonstrate responsibility and low-risk Alcohol consumption.

Guidance notes further state:

Alcohol Advertising and Promotion must not portray or represent irresponsible, harmful or excessive consumption of Alcohol, for example, but not limited to:

Daily consumption or regular consumption that is portrayed as healthy or safe

I believe that the statement “everyday essentials” has a take home message that alcohol is a product that can be safely consumed on a daily basis. However, the Health Promotion Agency’s low-risk drinking advice is to have at least two alcohol-free days.

In addition, the statement’s take home message is that alcohol is essential. This is false. This is in contrast to Guideline 1(d) of the Code that “Alcohol must not be portrayed or represented as indispensable or that it should take priority in life.”

Appendix 2

RESPONSE FROM ADVERTISER, WOOLWORTHS NZ

Re: Woolworths NZ Digital Marketing – Complaint 21/142

Thank you for your letter dated 17 May 2022, regarding a complaint made by the Alcohol Healthwatch organisation dated 6 May. The complaint relates to our Great Price Winter Freeze campaign and alleges that our campaign advertising has a “take home message” that alcohol is an “everyday essential”.

We respond as follows:

1. We have not actually advertised alcohol anywhere in this campaign, except for including it on our website Great Price Winter Freeze landing page relating to the campaign (<https://www.countdown.co.nz/shop/productgroup/157901>). That landing page was set up to enable customers to identify what products prices have been frozen, as it was not practical to show this on the applicable price tickets within each store. Even then, alcohol only featured on about page 10 of the website landing page for most customers. In fact, alcohol was deliberately not included or referenced in any Countdown advertising channels (TV, Radio, Digital Display, Mailer, Out of Home) for this reason. It was only included in the Great Price Winter Freeze landing page for those customers who wanted to seek it out.
2. In the first week of the campaign, in order to better reflect the products within the programme, we changed our campaign copy (which the complainant has made the complaint about) from "*over 500 everyday essentials*" to "*a huge range of everyday essentials and more*". We changed this copy early on in the campaign given that the product mix did include a number of what could be considered "non-essential" products, such as alcohol, as the complainant contends. This allowed us to widen the scope of the campaign, to freeze prices on both essential and other products. We attach a snip of that message below. Please note the image of the Winter Freeze trolley with the relevant copy at the bottom - none of the items in the trolley are alcohol:
3. As of 25 May, we reduced the number of items on the website landing page to only reflect what would be considered by many to be proper essentials. Certain "non-essential" products, like alcohol and herbs and spices have now been removed from the landing page altogether, but the prices on those products will still be frozen in-store and online. The total product count has gone down from approximately 700 to 540 on the landing page.
4. Of the approximate 700 products within the campaign and on the landing page (at that time), only 20 are alcohol products.
5. Even if we had kept the original copy that the complainant has complained about, ("*over 500 everyday essentials*"), we do not consider that Principle 1 of the ASA Alcohol and Promotion Code was breached, including Rules:
 - 1(c) (Alcohol Consumption), or
 - 1(d) (Alcohol Effects)

We consider that alcohol has never been promoted at all in this campaign. As referred to above, we were careful to not show alcohol and only refer to common grocery essentials in any images or copy related to the campaign in our advertising channels. We certainly did not portray or represent irresponsible, harmful or excessive use of alcohol (Rule 1(c)), or represent that alcohol was an indispensable or should take priority in life (Rule1(d)).

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