

COMPLAINT NUMBER	22/240
ADVERTISER	Behemoth Brewing Company
ADVERTISEMENT	Behemoth Brewing Company Churly Beer Instagram and Facebook
DATE OF MEETING	25 August 2022
OUTCOME	Settled

Advertisement: The Facebook and Instagram advertisements were promoting the Churly Beer with an image which looks similar to the characters Gru and Minions from Minions: The Rise of Gru movie. The text in both advertisements stated “Minions, there are a lot of other IPAs in the world, But I am going to be... A Super IPA. Churly. The Rise of Gru IPA 6.5% ALC/ VOL was made by using many hops, many hops, many hops, Stop Chanting that we’ve used hops. Yes some of them are despicably tasty, we’ve used Citra, Mosaic and Nelson Sauvin along with fresh Motueka hop oil to bring the topical and citrus flavours that just try and steal the Moon. Despicable. Don’t worry, even though it was highly requested that we do so here in the brewery, we didn’t add bananas so we’re left with an IPA so tasty its almost evil”.

The Chair ruled the Complaint was Settled.

Complaint: This complaint relates to an advertisement by Behemoth Brewing Company on Instagram and Facebook.

<https://www.facebook.com/BehemothBrewingCompany/posts/pfbid02wNevg2RQzJrCLhgSoEnkdZLx9KsfmGoKAELy5prPd7HrKRYovtoY7MvMa8vT5aDI>

https://www.instagram.com/p/Cg3GajHh_CC/

On Friday 5th August, a member of the public alerted us to the following advertisement and requested Alcohol Healthwatch to submit a complaint on this.

Guidelines in relation to Rule 1b of the Alcohol Advertising and Promotion Code state that: The theme, images, wording, music and language used in Alcohol Advertising and Promotion must only target Adults. Advertisers must take care when Alcohol Advertising or Promotion content may have appeal to Minors, including, but not limited to, the following examples:

- i. content that creates confusion with confectionery, soft drinks or other non-alcoholic products; or
- ii. use of names similar to those that primarily appeal to Minors; or
- iii. animation, bright colours, toys, music, animals, cartoons, play scenes/playgrounds, juvenile or adolescent behaviour; or
- iv. designs, motifs, items, colloquial words and phrases or activities primarily connected to youth culture; or
- v. use of real or fictitious characters.

The advertisement appears to be using Minion characters, from a popular children’s movie.

We ask the ASA Complaints Board to consider whether the advertisement breaches the Alcohol Advertising and Promotion Code.

Also, I note that the company's website is not age-gate <https://www.behemothbrewing.co.nz/>. therefore also seek clarification as to whether the Instagram and Facebook accounts are correctly age-gated.

The relevant provisions were Alcohol Advertising and Promotion Code - 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 advertisement was using Minions characters which could have appeal to minors. The Complainant was also concerned the website was not age gated.

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 Advertiser had removed both advertisements after receiving the complaint.

The Advertiser also confirmed the Age gate on the website had now been fixed.

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.