



Case Report

1	Case Number	0008/15
2	Advertiser	Sinchies
3	Product	Retail
4	Type of Advertisement / media	Internet
5	Date of Determination	28/01/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This email promotion features uses for 'pouchies' - storage vessels for food and beverages. One of the suggested usages for the pouches is to smuggle alcohol.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

These pouches are primarily targeted as kids' food pouches. They have sent out an email to all their buyers about a great idea to smuggle alcohol in them. Do we really need to give people ideas on this topic as in my response my children know these are for them and it only takes me to fill one with alcohol and one of my kids to get it thinking its food and I'm then giving them alcohol.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Thank you for your email regarding the customer complaint about “smuggling” alcohol in a pouch, in my December 2014 newsletter. I would like to let you know that my newsletters go out to subscribers who are adults over the age of 18 years old. This particular newsletter was distributed at Christmas time and the image of Bundaberg Rum in a pouch was intended to be a suggestion to take a portion of alcohol to an adult function over the “silly” season. Please accept my apologies; it was by no means our intention to suggest the smuggling of alcohol into alcohol free events or for children to have access to this pouch with alcohol in it. We clearly stated that it should be marked "adults only" and believe that it is the adults responsibility to keep alcohol and other items not intended for children - out of the reach of children.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement is promoting smuggling alcohol in pouches which are aimed at children and this could lead to children consuming alcohol.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that this advertisement was in the form of a direct email and features images of the product (a storage pouch for food or beverages) along with suggestions on what the product can be used for. The Board noted that one suggestion was for ‘smuggling alcohol’ and featured an image of a bottle of Bundaberg Rum next to a pouch containing some of this Rum.

The Board considered that whilst this product could be used by children it is not a product aimed directly at children. The Board noted that the advertisement was sent by email to an adult and considered that the suggested use of the product to store alcohol is not of itself an issue which would breach the Code. The Board noted that the advertisement does state that you should mark the pouch as ‘adults only’ if it is being used to store alcohol. The Board considered however that the suggestion that alcohol could or should be smuggled is a suggestion that the pouch can be used to take alcohol somewhere it is prohibited – either by a person who is underage or by an adult to an alcohol-free venue or event - and this is not a depiction that is in line with community values around the appropriate consumption of alcohol. The Board considered that the suggestion that the product can be used to ‘smuggle’ alcohol is contrary to prevailing community standards on the moderate consumption and responsible service of alcohol.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We do understand that the term smuggling alcohol was perhaps a little naive on our part and it was not our intention to suggest to smuggle alcohol into events, but more to use the pouch to take a portion of alcohol when visiting friends and family over the Christmas period.

Our customers have been using Sinchies for many different things, as a storage device. Sinchies reusable pouches have listed a range of uses, which can be found on our website - as such they can be used from children to adults with uses including - toiletries, food products, running gels, dishwashing liquid etc.

Please be assured of our commitment to address this and not have this happen in future and we will be more mindful of the wording chosen.