



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0112/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Woolworths Freestanding Liquor</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/03/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Image of various brands of beer in their respective cases along with the text "30 cent per litre off fuel when you buy ANY 2 cases of these beers. Offer ends 20/3/12."

### THE COMPLAINT

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

*It was posted on the petrol bowser and I think linking alcohol with any petrol discounts is a really poor choice. It flies in the face of all the money spent on trying to reduce drink driving and the effects of drink driving. Sure not everyone who buys several cases of beer is going to drink...but to some it's like offering candy to a kid.*

### THE ADVERTISER'S RESPONSE

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

*As stated previously, Woolworths takes its advertising obligations very seriously. It is Woolworths' submission that the complaint should be dismissed and no further action taken in the matter for the reasons expressed below.*

*The purchase of alcohol, including beer in this case, is a regulated product which can only be sold to eligible persons over the age of 18 years.*

*Woolworths responsible selling of alcohol in its Liquor stores is well documented and includes the "Under 25 ID required" campaign.*

*The "Buy 2 cases of selected beer to receive the 30 percent Fuel Offer" was directed at the relevant adult audience.*

*There is no credible or established link, in Woolworths' view, between the sale of alcohol and any Fuel Offer to encourage either drink driving or speeding as suggested by the complainant.*

*Woolworths greatly appreciates the Board's careful consideration of a complaint and will accept Woolworths' submission that this complaint should be dismissed.*

## **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 concerns that the advertisement links alcohol consumption with driving vehicles and so is inappropriate.

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

The Board noted that the complaint about this advertisement would also be considered by the Alcohol Beverages Advertising Adjudication Panel against the Alcohol Beverages Advertising Code (ABAC) that contains alcohol specific advertising standards.

The Board considered whether the advertisement was in breach of 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 the poster advertisement is promoting a fuel discount offer when a consumer purchases two cases of beer from Woolworths over a specific period.

The Board noted that fuel discounts and alcohol are both products which are legally allowed to be advertised and considered that most members of the community would understand that the advertisement is not encouraging or condoning the consumption of alcohol prior to driving a vehicle but rather that the advertiser is linking together two products it sells in a promotional offer.

The Board noted that the complainant had seen the advertisement on the petrol pump and considered that it is reasonable for the advertiser to place a fuel discount promotion at a fuel pump and that whilst some members of the community could consider the placement of the advertisement to be insensitive given the public awareness campaigns surrounding drinking

alcohol and driving, in the Board's view the placement of the advertisement does not of itself promote a direct link between the purchase of alcohol and driving and does not amount to a breach of community standards on health and safety.

The Board noted that the advertisement does not depict or condone the consumption of alcoholic beverages and driving a vehicle and determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.