



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

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| 1. Case Number : | 0126-20 |
| 2. Advertiser : | Grill'd |
| 3. Product : | Food/Bev Venue |
| 4. Type of Advertisement/Media : | Outdoor |
| 5. Date of Determination | 8-Apr-2020 |
| 6. DETERMINATION : | Dismissed |

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This outdoor advertisement is a sandwich board featuring the text "Student Hack:Dine-In & drink FREE* Relish Members only Mon-Wed" and an image of a locker with a person reaching into the locker with an alcoholic drink in his hand, and books and a burger in the locker.

THE COMPLAINT

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

Alcohol is a class one carcinogen - this promotion offering young people free alcohol would be hugely persuasive and feeds into the current binge drinking culture. The text would really appeal to a young audience as it uses 'cool' text, provides free drinks to a group of highly influenced part of our community who won't have a lot of money to splash around. It is irresponsible to feed into our alcoholic culture and get our young people hooked. The T&C's state that High-School students can be eligible too. Outrageous. Just promote non-alcoholic drinks full stop! No need to provide free booze to our young people.

THE ADVERTISER'S RESPONSE



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

Thank you for passing on the complaints which you received in relation to our recent advertisements.

The advertisements in question relate to a promotion that Grill'd has run for several years. Specifically, students who dine-in at a Grill'd restaurant, are entitled to one single free drink with the purchase of a burger or salad. The drink can be alcoholic or non-alcoholic.

We believe the complaints are referring to the advertisements which are attached with this letter. These advertisements are presented via Aframe's outside our restaurants.

We note that the campaign includes other images with non-alcoholic beverages, and we have included these images for reference to the broader campaign (see Appendix 1), and also to demonstrate that the campaign is promoting a free drink for students, as opposed to just alcohol as referenced in the complaint.

In designing the advertisements, our team has been prudent to consider Section 2 of the AANA Advertiser Code of Ethics. Specifically, the advertisement does not encourage excess consumption of alcohol. The terms and conditions clearly state that customers are entitled to one drink (alcoholic or non-alcoholic) with the purchase of a burger or salad on Monday to Wednesday.

Further the terms and conditions clearly state that to be eligible, a person must be aged 18 years of age or over, with valid age identification. The advertisement makes no reference to "high school" students as the complaint suggests.

We look forward to your consideration and please don't hesitate to contact us if you require any other information.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is promoting free alcohol and is inappropriately advertising alcohol to young people including minors.

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

The Panel considered whether the advertisement complied with 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 Panel noted that the advertisement contains terms and conditions which state that the offer of a free alcoholic beverage is only available to those aged over 18 and that the offer is only valid for one free drink. The Panel noted that Grill’d restaurants have alcoholic beverages available for purchase at all times.

The Panel considered that while the advertisement references ‘students’, the impression of the advertisement is that it is aimed at university students who are over 18 and can therefore purchase the alcoholic product. The Panel noted that the man depicted in the advertisement has a tattoo on his arm, and that the concept of a ‘hack’ is aimed at older students living away from home who may need to be creative with their finances. The Panel noted that other advertisements in this campaign feature the non-alcoholic drink options available with the promotion.

The Panel noted that the advertisement does not refer to high school students only that people have to be over 18 to qualify for the offer. The Panel noted that this can include year 12 students. The Panel considered that a minor would not be able to obtain the alcoholic beverage even if they wished to.

The Panel noted that in some jurisdictions in Australia, such as Queensland, under the *Liquor Act 1992* - Section 142ZZC, the promotion of a free drink with a meal is not permitted. The Panel noted that it is not its role to determine matters of legality and whether or not the advertisement is legal.

However the Panel noted that in IR 0039-20 it found that where a law prohibits certain behaviour that behaviour if shown in an advertisement should be considered by the Panel as a breach of community standards. The Panel noted that this advertisement would be illegal in Queensland but not in most other jurisdictions. The Panel also noted that the advertisement does not depict under age drinking and does not depict material that would be contrary to law in other jurisdictions. The Panel considered that the advertisement did not depict material contrary to prevailing community standards on health and safety.

The Panel recommended however that the advertiser should note that changing community standards as reflected in the law will mean that care should be taken with similar promotions involving alcoholic beverages.

The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.