



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

|   |                                      |                           |
|---|--------------------------------------|---------------------------|
| 1 | <b>Case Number</b>                   | <b>0141/18</b>            |
| 2 | <b>Advertiser</b>                    | <b>ALDI Australia</b>     |
| 3 | <b>Product</b>                       | <b>Food and Beverages</b> |
| 4 | <b>Type of Advertisement / media</b> | <b>Internet-Social-FB</b> |
| 5 | <b>Date of Determination</b>         | <b>11/04/2018</b>         |
| 6 | <b>DETERMINATION</b>                 | <b>Dismissed</b>          |

## ISSUES RAISED

2.6 - Health and Safety Depiction of smoking/drinking/gambling

## DESCRIPTION OF THE ADVERTISEMENT

This internet advertisement shows a link to an article, with a picture of the characters "Kath and Kim". Kath and Kim are holding wine glasses and Kim is holding a cigarette. The article refers to ALDI's \$10 bottles of wine.

## THE COMPLAINT

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

*It depicts smoking cigarettes in the advertisement*

## THE ADVERTISER'S RESPONSE

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

*ALDI Stores refers to concerns that an ALDI Stores advertisement may have contravened Section 2 of the Australian Association of National Advertisers (AANA) Advertising Code of Ethics (Advertising Code). This follows receipt of a complaint by Ad*





*Standards which raised concerns about the depiction of smoking in the advertisement (the Complaint).*

*ALDI Stores notes it is not a member of the AANA. However, ALDI Stores has considered this matter in the context of its broader regulatory obligations, as well as the AANA Advertising Code. ALDI Stores takes its compliance obligations seriously and works closely with its advertising agencies when conducting advertising on behalf of ALDI Stores in order to ensure its obligations under law are met.*

*In relation to the complaint and alleged concerns raised, ALDI Stores notes your letter has not specified how the article may have breached the Advertising Code. ALDI Stores notes that Ad Standards has raised this matter ‘...without having seen/heard the advertisement’.*

*ALDI Stores first became aware of the article through the Pedestrian TV page on 22 February 2018. ALDI Stores ‘shared’ the article on its Facebook page on the same day. ALDI Stores will often share articles and material about ALDI Stores which appears on other pages where it is considered informative to ALDI Stores followers.*

*ALDI Stores notes that the original content within the article was not commissioned, created, or caused to be created by ALDI Stores, nor has ALDI Stores sponsored the item for any of ALDI Stores’ advertising purposes. ALDI Stores notes it does not have a commercial or other relationship with Pedestrian TV.*

*In ALDI Stores’ view, having taken into account the prevailing Community Standards, the content of the Code, as well as the Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code, ALDI Stores does not consider it has breached any aspect of these codes, or the law more generally. The article is not aimed at children. Further, the article header, which is effectively a comedic spoof, depicts well established and known comedians whose comments and character representation appears to be entirely within character, and whose poor lifestyle habits form a fundamental part of their character. The use of such characters in this context would not, in ALDI Stores’ view, contradict community standards and would not breach the law or any relevant code. ALDI Stores would welcome further information from Ad Standards should the Panel form a different view.*

## **THE DETERMINATION**

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

The Panel noted the complainant’s concern that the advertisement depicted smoking cigarettes.



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

The Panel 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 Panel noted the advertisement featured a link to an article, a post line by ALDI that stated "ALDI Liquor: It's good. It's different. It's unewesual." and a picture of the characters Kath and Kim, both holding a wine glass and Kim holding a cigarette.

The Panel noted the advertiser's response that the Facebook advertisement was a shared article from another website which had written a favourable article about ADLI's wine and the proposition that the article header, which is effectively a comedic spoof, depicts well established and known comedians whose comments and character representation appears to be entirely within character, and whose poor lifestyle habits form a fundamental part of their character.

The Panel considered that the advertisement itself does not promote smoking, and the post line acknowledges the satire of the picture. The Panel noted that the text below the picture, linking to the original website, makes it clear that the article and advertisement is related to ALDI Liquor, not cigarettes.

The Panel considered that the image of Kath and Kim combined with an understanding of their associated character flaws is not a depiction that could be interpreted as promoting or glamorizing cigarette smoking.

The Panel noted there is a high level of community concern with regards to smoking and considered that the message of the advertisement is not necessarily contrary to this concern as it does not encourage or condone smoking or the purchase of cigarettes.

The Panel considered 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 Panel dismissed the complaints.

