



## Case Report

1	Case Number	0286/17
2	Advertiser	Asahi Premium Beverages
3	Product	Alcohol
4	Type of Advertisement / media	Internet-Social-Inst
5	Date of Determination	12/07/2017
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

Advertising to Children Code 2.12 Alcohol  
2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

This Instagram post on the Vodka Cruise Instagram page (@vodkacruiser) depicts a female model with star shaped small iridescent stickers under her eyes. Text under the image reads, "vodkacruiser How to cover your dark circle the morning after".

### THE COMPLAINT

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

*AANA Code for Advertising and Marketing Communications to Children*

*The post breaches clause 2.12 of the AANA Code for Advertising and Marketing Communications to Children.*

*It is clear that the advertisement is primarily directed towards children, as it consists solely of an image of the face of a child who appears to be under 14 years of age, and who is presented in a highly childish fashion with star-shaped glitter under her eyes.*

*As described above, other Vodka Cruiser Instagram posts also appear to be directed to children.*

*The Vodka Cruiser Instagram bio states ‘18+ to follow’. However, it does not clearly state that children under 18 years are not permitted to follow Vodka Cruiser, and there is nothing to prevent under 18s from doing so.*

### *3. AANA Code of Ethics*

*We believe the post breaches clause 2.6 of the AANA Code for Ethics, as it is contrary to Prevailing Community Standards on health and safety.*

*The post is an alcohol promotion that we believe is intended to target minors, and that would have strong appeal to minors. As noted above, the post uses a child model who appears to be a young teenager, and is presented in a childish fashion with star-shaped glitter under her eyes, in order to promote an alcohol product. Other Vodka Cruiser posts also appear to be directed to children, as described above.*

*Children and young people are highly susceptible to alcohol advertising messages and to harm from drinking.*

*Research has consistently found that young people’s exposure to alcohol advertising increases the likelihood that they will start drinking, or drink more frequently and heavily if they already drink.*

*National Health and Medical Research Council 2009 guidelines set out the following risks of alcohol to young people:*

- Initiation of alcohol use at a young age may increase the likelihood of negative physical and mental health conditions, social problems and alcohol dependence.*
- The brain is more sensitive to damage from alcohol in childhood and adolescence as it is still developing, leading to learning difficulties, memory problems and reduced performance on attention-based testing.*
- Drinking contributes to the three leading causes of death among adolescents — unintentional injuries, homicide and suicide — along with risk taking behaviour, unsafe sex choices, non-consensual sexual behaviour, and alcoholic overdose.*

*The NHMRC recommends that for minors “not drinking alcohol is the safest option.”*

*For these reasons, we believe it is contrary to Prevailing Community Standards on health and safety for minors to be targeted by, or depicted in, alcohol advertising.*

*In addition, the caption of the post, “How to cover your dark eye circles the morning after” combined with the image of the girl with glitter under her eyes directly implies that the girl is recovering from an alcohol binge the night before. We believe this implication is also contrary to Prevailing Community Standards on health and safety, particularly given the very young appearance of the model.*

## THE ADVERTISER'S RESPONSE

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

*We are writing in response to your letter advising of a complaint the Advertising Standards Bureau received in relation to content on the Vodka Cruiser Instagram page.*

*Asahi Premium Beverages takes responsible advertising of alcohol seriously. We are aware of the Content Code requirements and our policy and practice is in line with ensuring compliance with all relevant alcohol and marketing guidelines. We wish to respond to both AANA Codes raised in complaint 0286/17 as follows:*

*AANA Code for Advertising and Marketing Communications to Children – Clause 2.6*

*We don't believe that the content in the Instagram post is directed to children:*

*Our Instagram page states that you need to be 18+ to follow, which is standard practice by alcohol brands in Australia .*

*Since receiving the complaint we have moved to be more prescriptive with this statement and have amended to the following:*

*“Must be age 18+ to follow & use our hashtags. Please don't share with those under the legal purchasing age for alcohol. Drink responsibly”*

*Our policy is to comply with the ABAC Code in relation to talent being used to look and be over the age of 25.*

*In this instance we acknowledge that the model used looks under 25 years of age but not under 18 years of age as suggested in the complaint. As such we have taken steps to remove the post from Instagram to ensure compliance with the ABAC code.*

*Our target consumer is 18-24 years of age and as such our content has broad appeal to that age demographic and is in line with their current life stage and behaviours.*

*Our target audience of 18-24 is legal drinking age and it is OK to be targeting adults with our advertising so long as we do not promote under-age drinking or excessive consumption.*

*Our target audience is also predominantly female and as such we use 'female' cues, such as colours and designs that appeal to this target audience.*

*AANA Code of Ethics – Clause 2.6*

*As above, we don't believe that the content in the Instagram post is directed to children*

*Our Instagram page states that you need to be 18+ to follow which is standard practice by alcohol brands in Australia.*

*Since receiving the complaint we have moved to be more prescriptive with this statement and have amended to the following:*

*“Must be age 18+ to follow & use our hashtags. Please don't share with those under the legal purchasing age for alcohol. Drink responsibly”*

*Our policy is to comply with the ABAC Code in relation to talent being used to be and look over the age of 25.*

*In this instance we acknowledge that the model used looks under 25 years of age but not under 18 years of age as suggested in the complaint. As such we have taken steps to remove the post from Instagram to ensure compliance with the ABAC Code.*

*In relation to the reference of ‘other Vodka Cruiser posts’ also appearing to be directed towards children:*

*Our target consumer is 18-24 years of age and as such our content has broad appeal to that age demographic and is in line with their current life stage and behaviours and we don't agree that it has strong appeal to children.*

## **THE DETERMINATION**

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children’s Code), or the AANA Code of Ethics (“the Code”).

The Board noted the complainant’s concerns that the advertisement is promoting alcohol to children and features a young teenager wearing glitter on her face.

The Board noted that the advertiser had confirmed to the Advertising Standards Bureau that the other images referred to by the complainant in their complaint had been removed from Instagram and would not be used again. These images included depictions of bottles of Vodka Cruiser amongst colourful confetti, and image of pink Vodka Cruiser with pink polka dot paper cups and striped pink straws, and a cut-out paper heart, coloured in by hand with coloured pencil with “V is for Valentine” written in the centre.

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

The Board considered whether the Children’s Code applied.

The Board considered the definition of advertising or marketing communication to children. Under the Children’s Code, Advertising or Marketing Communications to Children means “Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product.” The Board noted that Children are defined as “...persons 14 years old or younger” and Product is defined as “...goods, services and/or facilities which are targeted toward and have principal appeal to

Children.”

The Board first considered whether the advertised product was directed to children. The definition in the Children’s Code states that “product means goods, services and/or facilities which are targeted toward and have principal appeal to Children.”

The Board noted the advertised product, Vodka Cruiser, is an alcoholic beverage and considered that this is not a product directed to children 14 years old or younger.

The Board considered that as Vodka Cruiser is not a product directed primarily to children the provisions of the Children’s Code do not apply.

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 Instagram advertisement for Vodka Cruiser features an image of a female model with shiny stickers on her face and the text, “How to cover your dark circle the morning after”.

The Board noted the complainant’s concern that the model in the advertisement looks like a teenager.

The Board noted the advertiser’s response that they believe the model looks over the age of 18 years.

The Board considered that only the model’s face is visible in the advertisement and considered that her smooth, clear skin is suggestive of a young teenager rather than a person aged over 18 years. The Board acknowledged that it can be difficult to judge the age of a young person but considered that in this instance the model’s youthful looks and the use of glitter under her eyes is strongly suggestive of a person aged around 13 or 14 years rather than an adult.

The Board noted the complainant’s concern that the advertisement is promoting alcohol to children.

The Board noted that Instagram requires users to be aged 13 years and older. The Board noted the advertiser’s response that their target audience is females aged 18-24 years and that their Instagram page features a warning that you need to be over 18 years of age to follow it but considered that it is possible to share this image with any other person, including those under the legal drinking age, and in the Board’s view the advertisement would be appealing to young people due to the young age of the model and the use of glitter.

The Board noted the text underneath the image of the model which reads, “vodkacruiser. How to cover your dark circle the morning after”. A minority of the Board noted that dark circles under your eyes can be a result of a late night, not necessarily alcohol related, or from a general lack of sleep and considered that this phrase is not of itself encouraging or condoning excess consumption of alcohol.

Following considerable discussion however, the majority of the Board noted that the

comment about covering dark circles is preceded by the name of the advertised product, Vodka Cruiser, and considered that in the context of a promotion for an alcoholic beverage the reference to dark circles is most likely to be interpreted as a reference to heavy drinking the night before.

Overall the Board considered that the use of a model who appears under the age of 18 promoting an alcoholic beverage in a manner likely to appeal to children, coupled with the suggestion that heavy consumption of alcohol is acceptable as you can just use glitter to cover your dark circles, is against Prevailing Community Standards on the responsible promotion and consumption 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**

As per previous email communication all Vodka Cruiser Instagram Posts referenced in this complaint have been removed from the page with no intention to be used again.