



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0529/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Alcovit</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>07/12/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive  
Food and Beverage Code 2.2 - healthy lifestyle / excess consumption  
2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

This shop a docket advertisement features an image of a woman with her eyes closed rubbing her temple. The text reads, "Suffer from hangovers? Present this shop a docket offer and try Alcovit fro 20% off. A German hangover prevention."

## THE COMPLAINT

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

*Feel this advertisement does not adequately reflect truthful benefits of the product. I feel that is misleading in terms of appropriate levels of understanding of the target audience. I also feel that it encourages excess consumption, by suggestion you can drink as much as you want, without feeling the effects of a hangover. I feel this portrays unsafe use of alcohol consumption that does not fit with recommended health guidelines.*

## THE ADVERTISER'S RESPONSE

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

*Please accept the following as my response to the Complaint outline in the below email:*

*It would seem the complainant is initially about a shop a docket promotion, however the main complaint seems to be a review of my product and in particular a product review that was posted on Facebook that is currently shown on the website. I find the complaint is interpreting an opinion about the word "hangover" rather than the information and the overall context of all the information about the product on the website.*

*I do not take responsibility that a reasonable person would share the same opinion as the complainant taking into consideration, that it is clearly stating it is a detox product or vitamin supplement that is design to reduce the stress on the body caused by consuming alcohol. There is nothing on the website that "is all encouraging excessive consumption, drinking as much as you like or an unsafe use of alcohol." Even the Facebook post specifically mentioned in the complaint :*

*"There can be the messy house and the sore heads around me but I wake up and think soooo glad I discovered you.....more drinks anyone!"*

*I am happy to edit the image on the website to remove "more drinks anyone!" if you suggest this is necessary.*

*Print verse Website:*

*Concern: The Alcovit advertisement on the shopper docket promotes this drink as a hangover cure. Further links on the web further encourage drinking- with some of the quotes saying how good it is, followed by "more drinks anyone".*

*Response: The shopper docket clearly shows "German Hangover prevention" but there is no claims to be a cure, nothing on the shopper docket ad states anything other than a website and a redemption code. So as far as I am concerned the lady issue is with the Facebook post on my website and not the shopper a docket ad.*

*Concerns of the complainant:*

*Feel this advertisement does not adequately reflect truthful benefits of the product.*

*I feel that is misleading in terms of appropriate levels of understanding of the target audience. I also feel that it encourages excess consumption, by suggestion you can drink as much as you want, without feeling the effects of a hangover.*

*I feel this portrays unsafe use of alcohol consumption that does not fit with recommended health guidelines*

*The information on my website provides information about the product Alcovit, which is 12 vitamins, minerals and antioxidants that is consumed to reduce some of the stress on the body when alcohol is consumed. There is information about hangovers and what toxins are produced as a result of the body trying to get rid of alcohol. This information we are trying to present science based facts in a non-judgemental way.*

*My target audience are people that participate in the consumption of alcohol and may have a*

*variety of symptoms that might be consider a hangover, more specific it is people that have responsibilities. Jobs , kids or classes to get to, alcohol effects everyone differently and the older we get the smarter(hopefully) we are with the consumption of alcohol (in general but not in all cases). Research and our client tell us that the human body changes and some people regardless of how many drinks they consumed (responsibly or not). I do not take or assume responsibility for the alcohol industry and the products they produce nor does a detox dink /vitamin supplement take responsibility for the social issues with alcohol, binge drinking or other issues in the community.*

*There is a variety of statements on the website that supports the opposite opinion of the complainants claims*

*“drinking alcohol is not good for the human body”*

*“there is no such thing as a hangover cure “ & “general misery”*

*“may reduce the likely hood of hangover symptoms”*

## **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 encouraged excessive drinking.

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 the print advertisement features an image of a woman with her eyes closed rubbing her temple. The text reads, “suffer from hangovers? Present this shop-a-docket offer and try Alcovit for 20% off. A German hangover prevention”.

The Board considered the advertisement as it appeared on the docket and considered that there was no depiction or mention of alcohol in the advertisement.

The Board considered that the reference to hangovers and offering a prevention product did not in itself amount to encouraging people to drink.

The Board then noted the complainant’s concerns that the website referenced on the docket further encouraged people to drink. In particular the Board noted a review included on the website in support of the product which ended with the words ‘more drinks anyone?’.

The Board noted that the reference to ‘more drinks anyone’ had been voluntarily removed by the advertiser and considered that there was nothing remaining on the website that would encourage excessive drinking or that would be contrary to prevailing community standards.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement 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.