



## **CASE REPORT**

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|-------------------------------|---------------------------------|
| 1. Complaint reference number | 219/08                          |
| 2. Advertiser                 | Woolworths Supermarkets         |
| 3. Product                    | Alcohol                         |
| 4. Type of advertisement      | Outdoor                         |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 9 July 2008          |
| 7. DETERMINATION              | Dismissed                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

A print advertisement featuring a large green star on a red background. Large text reads: Shop at Woolworths liquor and save 20c per litre on fuel. A logo for Caltex Woolworths - save 20c per litre on fuel. Conditions Apply. In smaller text: Buy any 6 or more bottles of wine at Woolworths Liquor and save 20c per litre on fuel\* The Woolworths Liquor logo and disclaimer/ conditions are printed at the bottom of the advertisement.

## **THE COMPLAINT**

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

*It is encouraging the purchase of alcohol in association with vehicles and driving. Woolworths should offer 20 cents a litre off fuel for more healthy or other products. This promotion I find to be offensive and counter productive. This does not encourage family values - only to promote and sell a drug product.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*Woolworths Limited takes its obligations under the AANA Advertiser Code of Ethics very seriously. However, after careful review and consideration, it is Woolworths' submission that the complaint is without merit.*

*The Advertising Standards Bureau has received a complaint in relation to a recent Woolworths Liquor advertisement which advertises a discount of 20 cents per litre on Petrol at Caltex/Woolworths petrol outlets, when 6 or more bottles of wine are purchased from Woolworths Liquor which was displayed outside the Woolworths store in Dog Rock Shopping Centre. The allegation is that by offering a discount on the cost of petrol with the purchase of alcoholic beverages, Woolworths is encouraging the purchase of alcohol in association with vehicles and driving. The Bureau appears to consider that the complaint may raise issues under section 2.6 of the AANA Code of Ethics, which provides that "advertisements shall not depict material contrary to prevailing community standards on health and safety".*

*Woolworths denies that the advertisement encourages drink driving. The advertisement does not encourage or suggest that alcohol should be consumed prior to driving, or otherwise link the consumption of alcohol to the operation of a motor vehicle. To the extent that the advertisement links the purchase of alcohol to the purchase of petrol, it is not correct to say that this alone amounts to an encouragement of drink-driving. For example, many consumers already use their cars to*

*purchase alcohol from bottle shops, and many bottle shops provide car-parking facilities for consumers. Although the provision of a car parking clearly links driving and the purchase of alcohol, no one would suggest that offering such consumer facilities amounts to an encouragement of drink driving. Similarly, merely offering a discount upon the purchase of wine does not encourage drink driving.*

*I also note wine, the subject of the offer is sold sealed and is not consumed on Woolworths Liquor premises, meaning that even if there was a temporal link between the purchase of the alcohol and the purchase of the petrol, there is no link between the consumption of the alcohol and driving.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered whether this advertisement depicted material contrary to prevailing community standards on health and safety. The Board noted the complainant’s concern about inappropriate linking of alcohol purchase and driving. However the Board did not consider that the advertisement in any way promoted drink driving or other unsafe practices combining drinking and driving.

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