

Alcohol Advertising Review Board

Determination Report

Reference number: 801/19
Product: Heineken 0.0
Advertiser: Lion

The complaint is **upheld**.

4 October 2019

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Heineken 0.0 by Lion which was the subject of a complaint received on 11 September 2019.

The Advertisement

The advertisement was seen on Canning Highway in Melville, WA, on Tuesday 10 September 2019.

The advertisement featured an image of a bottle of Heineken 0.0. Next to the bottle was the text “DESIGNATED DRIVER?” and “#NOWYOUCAN”. In the top right corner was a red strip with the text “NEW”. In the bottom right corner was a Heineken 0.0 logo. In the bottom left corner was the text “NEW HEINEKEN 0.0 GREAT TASTE. ALCOHOL FREE.”

The Complaint

The complainant believes the advertisement contravenes the Code. The complainant stated:

“Taken Tuesday on Canning Hwy, Melville, outside AH Bracks leisure centre.

This ad seems to be saying that drivers can now drink Heineken beer. It took close inspection of the ad to see it was an alcohol-free beer. Many people driving past might not notice that. It risks muddying all the anti-drink-driving education we’ve had. It seems irresponsible to promote a beer-branded product in this way.”

The Code

The advertisement was reviewed against the Code, and in particular:

Section (3)(a)(i) of the Content Code:

3. General provisions:
 - a. Compliance
 - i. Alcohol Advertisements must be prepared with a sense of responsibility to the audience and to society and must reflect the spirit, not merely the letter, of the Code.

Section (4)(h) of the Content Code:

4. Alcohol-specific provisions:

h. Operation of vehicles, skilled activity, sport

Alcohol Advertisements may not portray Alcoholic Beverages in such a way as to associate the product with the operation of any vehicle or with any activity requiring a significant degree of skill, care or mental alertness, including sporting and physical activities.

Section (7) of the Placement Code:

7. Transport advertising

No Alcohol Advertisements shall be placed on any means of public transport.

No Alcohol Advertisements shall be placed at any train, tram, bus or ferry stops.

The Advertiser's Comments

The Advertiser was contacted for comment on 12 September 2019. No response was received.

Panel's determination

The complaint was referred to three Panel members for review. The Panel determined:

1. The majority of the Panel believed the advertisement was an alcohol advertisement as defined by the Alcohol Advertising Review Board Code. A Panel member noted that the ad fell within the remit of the Code, as the definition of a product is "Product encompasses goods, services, ideas, causes, brands, opportunities, prizes or gifts associated with Alcoholic Beverages." They noted that the Heineken brand that features in the ad is associated with alcoholic beverages.
2. The advertisement contravened section (3)(a)(i) of the Content Code, on the basis that the majority of the Panel believed that it would be easy to confuse the advertisement for one promoting alcoholic products from the same company, especially in locations where people are passing by quickly and may not have the opportunity to read the ad in detail. A Panel member commented that the advertisement is promoting drinking the beer and driving a vehicle, and the statement claiming the product is alcohol free is so small that it could be missed by passers-by. They believed the ad does not reflect the spirit of the code.
3. The advertisement contravened section (4)(h) of the Content Code, on the basis that the majority of the Panel believed the advertisement suggested that the Heineken product can be consumed while driving. Several Panel members commented that although the product was a zero-alcohol beer, the claim noting it was 0% alcohol was so small that it could be easily missed, particularly given the placement on a bus stop where many people would be exposed to it in a fleeting fashion while driving.
4. The advertisement contravened section (7) of the Placement Code, on the basis that the advertisement was placed on a bus stop where it would be easily viewed by children and young people.

The complaint is **upheld**.

Further action

The Alcohol Advertising Review Board requests the Advertiser cease the promotion of Heineken-branded products in connection with driving, and cease using public transport-related locations to advertise their products due to likely exposure of young people.