

Alcohol Advertising Review Board

Determination Report

Reference number: 804/19
Product: Jam Donut Jelly Shots
Advertiser: Drink Craft

The complaint is **upheld**.

8 November 2019

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Jam Donut Jelly Shots by Drink Craft, which was the subject of a complaint received on 27 September 2019.

The Advertisement

The Jam Donut Shots were seen in an IGA in South Yarra, Melbourne, VIC, on 25 September 2019. An image of the advertisement was provided by the complainant. The image showed several packages of Jam Donut Jelly Shots placed on the checkout counter.

Jam Donut Jelly Shots are packaged in individual cups wrapped with cardboard packaging. The cardboard is pink and cream, and has the large text “Jam Donut Raspberry Jam & Donut Cream” on the front. Above is a Drink Craft logo and the text ‘alcoholic shots’ in the top left corner. At the bottom is an image of the shot, with text “4X30ml 13.9% alc/vol SHOTS 15ml DRINK CRAFT RASPBERRY JAM 13.9% ABV 15ml DRINK CRAFT DONUT CREAM 13.9% ABV”.

The Complaint

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

“Donut Jelly Shots

25th September 2019, 4.15pm, IGA South Yarra Melbourne

Jam donut alcohol jelly shots right next to POS at an IGA in Melbourne. This product was not in the liquor store attached to this IGA and instead was locating at the only till serving customers shopping for groceries. Minors could easily have been exposed.”

The Code

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

Sections (5)(1) and (5)(2) of the Content Code:

5. Standards to be applied to the naming and packaging of Alcoholic Beverages

Without limiting the application of the other provisions in this Code, labels, graphics, artwork, brand names, packaging, containers and other marketing materials and techniques shall not:

1. have an appearance of special appeal to Young People by way of designs, motifs, cartoon characters or other devices that predominantly appeal to Young People;
2. lead to confusion with confectionary or soft drinks;

The Advertiser's Comments

The Advertiser was contacted for comment on 3 October 2019. No response was received.

Panel's determination

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

1. The advertisement contravened section (5)(1) of the Content Code, on the basis that the product packaging would have strong appeal to young people. Panel members commented that the text 'Jam Donut – raspberry jam & donut cream' and the brightly coloured packaging would appeal to young people.
2. The advertisement contravened section (5)(2) of the Content Code, on the basis that the product packaging has more of an appearance of a set of pudding cups than an alcoholic product. A Panel member commented that the most prominent element on the package is the text 'Jam Donut', which does not send a clear message about the product being alcoholic.

The complaint is **upheld**.

Further action

The Alcohol Advertising Review Board requests the Advertiser modify the product packaging in line with the Panel's concerns.