

**Alcohol Advertising Review Board**

**Determination Report**

**Reference number:** 812/19  
**Product:** Smirnoff Infusions  
**Advertiser:** Diageo Australia

The complaint is **upheld**.

**26 November 2019**

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Smirnoff Infusions by Diageo Australia which was the subject of a complaint received on 28 October 2019.

**The Advertisement**

The advertisement was seen at Central train station in Brisbane, Queensland, on 28 October 2019.

The advertisement featured an image of a bottle of Smirnoff Infusions next to two wine glasses filled with ice, fruit slices, and clear liquid. Text above the bottle and glasses stated “NEW Smirnoff INFUSIONS”. Text below the bottle and glasses stated “40% LESS CALORIES THAN A GLASS OF WHITE WINE” and “JUST ADD SODA”. Smaller text at the bottom of the advertisement was not legible in the image provided by the complainant.

**The Complaint**

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

“Smirnoff infusions flavoured vodka  
advertising panel on train station platform  
Central Station, Brisbane 28/10/19

The advertisement shows a bottle of Smirnoff Infusions and two glasses. The text on the ad reads 'New Smirnoff infusions, 40% less calories than a glass of white wine, Just add soda'. The content of the advertisement is worded to appeal to people wishing to reduce their sugar intake when consuming alcohol, and implies that the product is a 'healthier' option to wine, but doesn't indicate (except on the bottle label) that the alcohol content is 20% so the calorie level is still significant. The basis for claiming 40% less calories is unclear given the differences in strength and volume per drink of the comparator products. Location of the advertisement breaches the Placement Code 7 - transport advertising, and may also breach the Content Code 3b - accuracy and truth.”

## **The Code**

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

Section (3)(b) of the Content Code:

3. General provisions:

b. Accuracy and truth:

- i. Alcohol Advertisements must not contain inaccurate Claims, statements, illustrations or representations, either direct or implied, about a Product.
- ii. The accuracy and/or truth of an Alcohol Advertisement will be determined by the overall general impression it conveys.

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

4. Alcohol-specific provisions:

j. Health claims

Alcohol Advertisements may give factual statements about product contents, including comparisons, but must not make any health claims, which include fitness or weight control claims

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 1 November 2019. A response was received on 7 November 2019 and passed on to the Panel for consideration. The Advertiser declined to participate in the Alcohol Advertising Review Board process, noting it was a participant in the Alcohol Beverage Advertising Code Scheme.

## **Panel's determination**

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

1. The advertisement contravened section (3)(b) of the Content Code, on the basis that the majority of the Panel believed the advertisement was misleading.
2. The advertisement contravened section (4)(j) of the Content Code, on the basis that the majority of the Panel believed the advertisement included a health claim. A Panel member noted that 40% less calories than a glass of white wine is an implied health claim targeting people concerned about their weight.
3. The advertisement contravened section (7) of the Placement Code, on the basis that the advertisement was placed on at a train station.

The complaint is **upheld**.

**Further action**

The Alcohol Advertising Review Board requests the Advertiser amend the content of the advertisement in line with the Panel's concerns, and cease using public transport-related locations to advertise their products due to likely exposure of young people.