

Alcohol Advertising Review Board

Determination Report

Reference number: 778/19
Product: Hahn Ultra Crisp
Advertiser: Lion

The complaints are **upheld**.

28 May 2019

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Hahn Ultra Crisp by Lion which was the subject of two complaints received on 3 May 2019 and 20 May 2019.

The Advertisement

The advertisement was seen by the first complainant on a bus stop on King William Street near the Victoria Square in the Adelaide CBD, South Australia, around 3.45pm on Thursday 25 April. It was seen by the second complainant on a bus stop on Pultney Street in the Adelaide CBD, South Australia, at 2.49pm on 18 May 2019, and on a bus stop on Victoria Square in Adelaide CBD, South Australia, at 11.23am on 27 April 2019.

The advertisement featured an image of a bottle of Hahn Ultra Crisp on the left. To the right of the bottle was the text “ULTRA GOOD INSIDE” and “LOWER CARB GLUTEN FREE FULL STRENGTH”. In the top right corner was the text “NEW”. Small text along the bottom of the advertisement stated “35% LESS CARBS THAN REGULAR BEER”. Next to the text was a ‘Get the facts’ DrinkWise logo.

The Complaints

The complainants believe the advertisements contravene the Code. The first complainant stated:

“This ad for Hahn Ultra Crisp was placed on a bus shelter on King William Street near the Victoria Square in Adelaide CBD in South Australia. Given its prominent location within the CBD, I believe that many children and young people would have been exposed to the ad. I saw the ad at around 3.45pm on Thursday 25 April.”

The second complainant stated:

“18 May 2019, 2.49pm, Bus Stop Billboard on Pultney Street (Hurtle Square), Adelaide CBD AND 27 April 2019, 11.23am, Bus Stops on Victoria Square, Adelaide CBD.

The advertisement features an image of a beer with the text ‘ULTRA GOOD INSIDE’ featured as the prominent aspect of the advertising, with the text ‘Lower carb, gluten free, full strength’ appearing as a secondary feature.

The advertisement breaches the Alcohol Advertising Review Board Content and Placement Code due to the content and placement of the advertising.

The content of the advertising is misleading in its core advertising feature 'ultra good inside' which implies the product is in some way healthy to consume. While the advertisement makes (assumed) factual nutritional statements 'lower carb' and 'gluten free', the core advertising feature 'ultra good inside' implies that these features are to be interpreted as a healthy/healthier product. I believe this contravenes Section (3)(b) 'Accuracy and truth' and Section 4(j) 'Health claims' of the code:

3, 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.

4, 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.

The advertisement further breaches Section 7 of the placement of alcohol advertising code as it is currently being displayed on major bus stops in the Adelaide CBD. These bus stops are frequented by school children.

Section (7) 'Transport advertising' of the placement of alcohol advertising code:
No alcohol advertisements shall be placed at any train, tram, bus or ferry stops."

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 6 May 2019. No response was received.

Panel's determination

The complaints were 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 Panel believed the claim 'ultra good inside' implies a health benefit over and above the factual statements, 'lower carb' and 'gluten free', and is inaccurate. A Panel member commented that while the references to gluten free and lower carbohydrates may be true, the overall and general impression the advertisement conveys is that consuming the beer will promote good health, which it would not.
2. The advertisement contravened section (4)(j) of the Content Code, on the basis that the Panel believed that 'ultra good inside' is an implied health claim.
3. The advertisement contravened section (7) of the Placement Code, on the basis that the advertisements were placed on bus stops in Adelaide, South Australia.

The complaints are **upheld**.

Further action

The Alcohol Advertising Review Board requests the Advertiser cease the use 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.