

Alcohol Advertising Review Board

Determination Report

Reference number: 783/19
Product: Verochka
Advertiser: Formula Bev

The complaint is **upheld in part**.

3 July 2019

This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Verochka by Formula Bev which was the subject of a complaint received on 22 May 2019.

The Advertisement

The complaint related to an in-store promotion for Verochka. 750mL bottles of Verochka were placed next to bottles of Crush Orange soft drink. A sign below stated “VEROCHKA 750ML \$9.99 OR 2 FOR \$18”.

The Complaint

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

“I wish to lodge a complaint against both producers and suppliers of the alcohol beverages identified in the following ABC Newcastle radio media report of 16 May 2019 by Giselle Wakatama. <https://www.abc.net.au/news/2019-05-16/imitation-vodka-rum-soft-drink-deal-slammed/11116340>.”

In summary my concerns relate to:

- Provision of a complementary bottle of soft drink to mix with the concentrated alcoholic product is irreprehensible and likely to adversely impact upon people under 18 drinking to get drunk
- Encouraging or facilitating the rapid consumption of high strength alcohol. This increases the risk of alcohol poisoning/toxicity and death through rapid/binge drinking
- The very cheap price of the product is likely to attract under aged drinking. ‘26 standard drinks for less than \$20.’”

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)(a)(i)(1) of the Content Code:

4. Alcohol-specific provisions:

a. Young people

- i. Alcohol Advertisements shall not:

1. be directed at, or have a strong or evident appeal to, Young People;

Section (4)(b)(ii) of the Content Code:

4. Alcohol-specific provisions:

b. Consumption

- ii. Alcohol Advertisements must not feature, condone or encourage, directly or by implication, irresponsible or immoderate drinking. That applies to both the amount of alcohol presented and the way drinking is portrayed.

The Advertiser's Comments

The Advertiser was contacted for comment on 28 May 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 (3)(a)(i) of the Content Code, on the basis that the Panel believed that it is irresponsible to promote alcohol by offering free soft drinks. One Panel member commented that the tax on ready-to-drink alcohol products was introduced to reduce the harms associated with sugary, high-alcohol drinks that disguise the taste of alcohol and are appealing to young consumers. They believed that the marketing of wine-based products such as Verochka or Sailor Jacks was intended to mislead consumers into believing they are buying distilled spirits, and the inclusion of a soft drink with purchase was encouraging consumers to mix the two products. Taken together, the Panel member believed it appears to be a marketing ploy to avoid the ready-to-drink tax while still appearing to provide a similar product to the same demographic of young people that the tax was introduced to protect.
2. The advertisement contravened section (4)(a)(i)(1) of the Content Code, on the basis that the Panel believed the promotion would appeal to young people because of both the discounted price and by encouraging combining alcohol with soft drink.
3. The advertisement did not contravene section (4)(b)(ii) of the Content Code, on the basis that the majority of the Panel did not believe the promotion encouraged irresponsible or immoderate drinking.

A Panel member also commented that the packaging of the product was misleading as it implies and gives the overall impression that it is a distilled spirit, rather than being a wine-based product.

The complaint is **upheld in part**.

Further action

The Alcohol Advertising Review Board requests the Advertiser cease the promotion of their products with free soft drink, in line with the Panel's concerns.