This determination by the Alcohol Advertising Review Board Panel (“the Panel”) concerns an advertisement for Vodka Plus which was the subject of a complaint received on 6 April 2016.

The complaint was in relation to posts on the Vodka Plus Facebook page. The complainant provided four screenshots of the Facebook page:

1. An image uploaded by Vodka Plus on 3 March 2016. The image featured a woman in white lingerie sitting on a bed. There is a man in underwear lying down on the bed. There is a piece of cake on a plate on his back and the woman is putting a spoon into the cake. Across the top of the image is the text “have your cake and eat it”. In the bottom right corner is an image of a bottle of Vodka Plus and a Vodka Plus ready to drink logo. The caption of the image states “DELIVERY TO YOUR DOOR IS ON US!
As part of our launch celebration we are covering shipping on all slabs to major cities and heavily discounting 4 pack purchases.
Enjoy your night and the day after with:
- no sugars
- no carbs
- mixed with purified sparkling water
- premium triple distilled vodka
- infused with electrolytes
- your favourite lemon and lime taste!
Have your cake and eat it!
www.vodkaplus.com.au
#vodkaplus”

2. An image uploaded by Vodka Plus on 31 January 2016. The image is of a woman lying on her back in a bikini. She has one hand above her head and a finger touching her lips. There are palm trees in the background. Next to her is a glass filled with ice and liquid, and a bottle of Vodka Plus Original. The caption of the image states “Rosanna Arkle knows where it’s at! #vodkaplus #nobeerbellieshere”.

The complaint is upheld.

28 April 2016
3. An image uploaded by Vodka Plus on 16 January 2016. The image featured a man and a woman standing in a doorway. The woman is wearing lingerie and high heels. The man is wearing a blue suit. In the bottom right corner is an image of a bottle of Vodka Plus Original with lemons and limes around it. Below is a Vodka Plus ready to drink logo. The caption of the image states “We tick all the boxes.
No carbs
No sugars
Triple distilled
Ready to drink
Infused electrolyte blend
#VODKAplus”

4. An image uploaded by Vodka Plus on 2 April 2016. On the left side of the image was a man and woman in their lingerie hugging. The woman is looking at the camera and tipping sugar out of a measuring jug. Across the middle of the image was the text “how many grams did you save?”. On the right is a bottle of Vodka Plus Original being poured into a glass filled with ice. Around the glass is ice, lemons and limes. In the bottom right corner is a Vodka Plus ready to drink logo. The caption of the image states “9 TIPS TO PREVENT A HANGOVER!
1. Eat food before drinking as it will somewhat line your stomach and slow absorption.
2. Drink plenty of water.
3. Don't mix drinks.
4. Avoid caffeine on top of alcohol, it will further dehydrate you and effect your sleep.
5. Avoid fatty or sugary foods while drinking (although you will crave it) your body will burn the bi product of alcohol as an energy source, meaning you will store much of the food you eat as fat!
6. Have lots of vitamins and minerals before bed, your body has been stripped of them.
7. Don't binge drink. Keep it classy!
8. Avoid sugary beverages, by drinking a no carb option you can save up to 35 grams of sugar per bottle!
9. Drink Vodka +! It has no carbs, no sugars, we use premium vodka distilled 12 times, we mix with purified sparkling water and have infused electrolytes.
#vodkaplus #healthieralternative #nocarbs #smarterchoice”

The Complaint
The complainant believes the advertisement contravenes the Code. The complainant stated:
“The ads for Vodka Plus promote it as fat free, healthy and not causing hangovers.
https://www.facebook.com/vodkaplusofficial/photos/pb.1627979760801572.-2207520000.1459897023./1673096919623189/?type=3&theater
https://www.facebook.com/vodkaplusofficial/photos/pb.1627979760801572.-2207520000.1459897023./1662374687362079/?type=3&theater
https://www.facebook.com/vodkaplusofficial/photos/pb.1627979760801572.-2207520000.1459897023./1657315601201321/?type=3&theater
Furthermore they are promoting 'heavily discounted' multi-packs:

Section 4J: Health claims
Section 4D: Alcohol and sex
Placement code: Internet (facebook is accessible to people under 18 who may lie about their age and therefore have access to alcohol advertising)
Their discount promotions may encourage additional consumption of alcohol.”

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

Section (4)(d) of the Content Code:
4. Alcohol-specific provisions:
   d. Alcohol and sex
      Alcohol Advertisements shall not be sexually provocative or suggestive or suggest any link between liquor and sexual attraction or performance.

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 (8) of the Placement Code:
8. Internet
   Alcohol Advertisements shall not appear online in connection with content that appeals or is likely to appeal to Young People.

The Advertiser’s Comments
The Advertiser was contacted for comment on 7 April 2016. The following response was received on 7 April 2016 and passed on to the Review Panel for consideration.

“Thanks for the email, it’s great to receive these types of things so promptly.

In regards to the complaint, although we believe it is inaccurate we have forwarded this to our social media agency to adjust future posts so we don’t even receive these types of complaints, we will also remove or adjust all social posts listed as we are looking to stay clear of anything that is even considered "grey area" or upsets the market place or regulatory bodies.
If you have any questions, suggestions, requests or want to open further discussion, let me know and I will give you a call at an appropriate time.”

**Panel's determination**
The complaint was referred to three Panel members for review. The Panel determined:

1. The advertisement contravened section (4)(d) of the Content Code, on the basis that the Facebook images were explicit and sexually provocative, and suggested a link between alcohol and sex.
2. The advertisement contravened section (4)(j) of the Content Code, on the basis that the images imply health benefits and that vodka is the healthy choice.
3. The advertisement contravened section (8) of the Placement Code, on the basis that there were no ways of preventing the advertisements from being viewed by young people.

The complaint is **upheld**.

**Further action**
The Alcohol Advertising Review Board acknowledges and commends the Advertiser for responding promptly to the complaint by removing images from their Facebook page.

The Alcohol Advertising Review Board requests the Advertiser implement age-gating technology that is available through Facebook to prevent people who are registered as being under 18 years of age on Facebook from accessing the page. The Alcohol Advertising Review Board requests the Advertiser take this determination into account in relation to future advertising.