

Decision of the ADVERTISING REGULATORY BOARD

Complainant	Southern African Alcohol Policy Alliance (SAAPA)
Advertiser	Tops at Spar
Consumer/Competitor	Consumer
File reference	Tops at Spar - SAAPA
Outcome	Upheld
Date	4 June 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint by SAAPA against Tops at Spar's "A SERIOUS COUNTRY" and "AN EVEN MORE SERIOUS COUNTRY" campaign.

Description of the advertising

The campaign consists of two television commercials and a website banner. The television commercials show different scenes where people experience different inconvenient situations which are peculiar to South Africa, like:

- loadshedding kicking in while you watch television;
- getting sprayed with water by a window washer whilst sitting in traffic;
- getting stuck in a very large pothole;

- not being able to open the gate to your property because of loadshedding, and then getting stuck between the electric fence wires while attempting to climb over the wall, just as the electrical power supply is restored;
- having to pay thousands of Rands to fill your car up with fuel;
- being told that you have the incorrect form each time you reach the counter after queueing;
- finding that your car is gone when you return to the car park after shopping;
- watching your scooter burning when water restrictions are so bad that you cannot put the fire out.

The commercials end with the voice-over stating: “Yoh, all this serious deserves a glass of not so serious”.

The banner advertisement displays a photo of a man pointing to a cocktail in his other hand with the following wording: “A COUNTRY FULL OF SERIOUS NEEDS A GLASS OF NOT SO SERIOUS”.

Complaint

The Complainant submitted that:

- it is concerned about the harmful use of alcohol; it is particularly worried about advertising of alcohol and the way in which, contrary to the industry's own self-regulation standards, advertisements use unethical tactics to get people to drink, eg projecting the use of alcohol as a lifestyle choice of beautiful/cool/famous/successful people with the underlying message that alcohol is an aspirational product.
- Many of the alcohol advertisements are aimed at young people, which is also supposedly forbidden by the industry's own guidelines.
- The Advertiser's series of advertisements plays on the very real challenges that people face on a day-to-day basis and suggests that drinking is a way of dealing with them or that drinking is a reward for having got through them.

- The reality is that this is exactly what thousands and thousands of people of all different ages, income brackets, national groups etc do to deal with their daily problems. For far too many, alcohol then becomes a crutch and, indeed, it becomes an additional problem that person has to deal with, especially because the harmful use of alcohol often exacerbates the extent of their existing problems and creates new ones, eg shortage of money, loss of a job, a break-up in a family, arrest for driving or being violent while drunk etc.
- The Advertiser likes to produce what they say are funny, irreverent, tongue-in-cheek advertisements and the Complainant has no problem with that. Its objection to the campaign is that it is actively playing into the narrative that one can use alcohol to 'drown your sorrows'. This is irresponsible and unethical, as its aim is to sell more of its products without taking account of the impact of their messaging on the lives of ordinary people.

Response

The Complainant's statement appears to be a general explanation of Complainant's concerns about alcohol advertising in general. The Advertiser shares the Complainant's concern. The Complainant has not provided any detail on how the two advertisements play into that narrative (and indeed the Advertiser does not think that they do) so it will not comment on that portion of the complaint any further.

Similarly, the Complainant's statement that "Many of these advertisements are aimed at young people, which is also supposedly forbidden by the industry's own guidelines" also appears to be a comment on alcohol advertising in general. Again, the Advertiser is always very careful to not only depict people over the age of 25 (as mandated by the ARA Code as Appendix A to the Code of Advertising Practice). Particularly in the advertisements in question, none of the people are in fact below the age of 25 nor are they depicted to be below the age of 25. As no specific allegation has been made against the advertisements in question, the Advertiser will not explore that further.

In responding to the objection “What we object to is them actively playing into the narrative that you can use alcohol to 'drown your sorrows'. This is irresponsible and unethical, as its aim is to sell more of their products without taking account of the impact of their messaging on the lives of ordinary people”, the Advertiser submitted that alcohol advertising is permitted to portray drinking scenarios and has done so for many years. The industry has portrayed people in social situations, eating situations, leisure situations, holiday situations and other every day scenarios. These are all situations where people consume alcohol e.g. a glass of wine at lunch time, a beer when socializing, a cocktail on a holiday, a cider with a braai. These are all acceptable, normal situations where alcohol plays a normal role. The Advertiser argued that it believes that the consumption of a single drink at the end of a trying day is as normal a behaviour as any listed above.

The Advertiser argued that it understands the difference between a normal social activity and turning to alcohol in times of serious desperation. It has been very diligent in presenting the scenarios in a way that is not serious. The situations it portrayed are based on everyday occurrence but are far from serious. The tone of the advertising is light and irreverent from the beginning. Rather than driving people to consider depressive factors, it made light of these in a way that is aimed to relieve tension and make people see that life could be much worse. This in no ways depicts people drowning their sorrows. “Drowning” implies it has encouraged excessive drinking which is far from accurate. The Advertiser submitted further that it does not advocate or promote that in any situation and the end of the advertisements specifically refers to “a glass” and cannot therefore be said to be promoting any consumption in excess. Further, “sorrows” implies that it has depicted truly dire circumstances such as death, job loss or divorce etc. and that is clearly not the case.

Indeed, in keeping with the ARA Code, the Advertiser has not depicted the consumption of alcohol in any glamorous or aspirational way whatsoever. To the contrary, the Advertiser has portrayed every day scenarios to which people can relate in a humorous way.

The complaint also focuses on the call to action line of the campaign: “Grab a glass of not so serious”. The complaint appears to create a link between this line and alcohol becoming a crutch. Alcohol problems are real problems and the Advertiser takes these very seriously. Using alcohol as a crutch is a serious problem. Wherever the Advertiser promotes alcohol it does so with restraint as it does in the advertisements in question. Should the Complainant’s complaint be upheld, it would set a precedent that in any situation that could conceivably lead to dependence is unacceptable to promote the consumption of even a single unit of alcohol.

Application of the Code of Advertising Practice

The following clauses were considered in this matter:

Appendix A – Basic Rules 1, 2 and 9

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The rules under consideration are:

“1. Commercial communication must–

- be legal, decent, honest and truthful and conform to accepted principles of fair competition and good business practice
- be prepared with a due sense of social responsibility
- demonstrate sensitivity in regard to issues of culture, gender, race and religion
- not be unethical or otherwise impugn human dignity or integrity
- not employ themes, images, symbols or figures which are likely to be considered offensive, derogatory or demeaning
- comply with all regulatory requirements

2. Commercial communication may not feature or encourage irresponsible, risky or excessive drinking.

9. Commercial communication may not claim that alcohol beverages have curative qualities, or offer it as a performance enhancer, stimulant, sedative or tranquilliser.”
(our emphasis)

The Directorate’s mandate is to consider complaints lodged against a particular advertisement in so far as it is alleged that it contravenes the Code of Advertising Practice. The Directorate will therefore not consider the Complainant’s general submissions regarding alcohol advertising, and will only consider the specific campaign objected to.

It is undeniable that South Africa is facing a problem with alcohol abuse and the effects of excessive alcohol use are harmful. Advertisers need to walk a fine line between promoting their product (which by its nature involves making the product look desirable) and not glamourising excessive drinking or drinking as a solution.

The Directorate recognises the Complainant’s concerns. It is true that one of the controversial dialogues around alcohol use is that of using alcohol as a coping mechanism or crutch. Society’s glib reaction to a problem with “have a drink” normalises alcohol as a coping mechanism. The Directorate therefore recognises the Complainant’s discomfort with the advertising as legitimate in the context of this wider dialogue.

However, the question is whether the advertising breaches the Code.

The advertising is completely over-the-top, and humorous. The scenes take ordinary challenges of South African life but then render them in an over-the-top and unrealistic way, creating humorous scenarios that everyone can relate to. This over-the-top communication is then carried over to the “unserious” drinks that are shown in the closing sequence.

The Directorate would be inclined to dismiss the complaint given the humorous and unrealistic execution in the commercials, but for one thing. The closing sequence shows an array of alcoholic drinks. One arm reaches in to take one, and the drinks then all quickly disappear. It is unclear if the same person has drunk them all, quickly, or if a group of people are slowly sipping them. The overall communication is of a fast and excessive (over-the-top) drinking binge in order to cope with the (over-the-top) challenges of life in South Africa. Had one seen, for example, one of the characters slowly sipping a cocktail; or a group slowly sipping their drinks in an ordinary social setting; or a montage of individuals slowly sipping their drinks; it would have communicated the idea that one can have one not-so-serious drink in a responsible way. Indeed, the Advertiser's own submissions state that "We believe that the consumption of a single drink at the end of a trying day is as normal a behaviour as any listed above". The Directorate concurs, but this is not what is shown in the final sequence. Instead, the final sequence leaves one with an impression of excessive drinking as a coping mechanism in times of trouble.

To be clear, given the above:

- **The Directorate finds no problem with the commercials as a whole;**
- **It is only the closing sequence that the Directorate finds to be in breach of Clause 2 and 9 of the Basic Rules set out in Appendix A.**

The banner advertisement does not in any way show excessive drinking, and is therefore acceptable to the Directorate.

Sanction

The Advertiser is instructed to:

- Withdraw the television commercials in their current format within the deadlines set out in Clause 15.3 of the Procedural Guide, which is "immediately as deadlines permit";
- Begin the process to withdraw or amend the commercials immediately.