Advertising self regulation chart

AANA

FCAI

The Federal Chamber of Automotive Industries is responsible for the FCAI Voluntary Code of Practice for Motor Vehicle Advertising which is administered by the ASB.

The Australian Association of National Advertisers is responsible for the development of the AANA Advertiser Codes which are administered by the ASB.

The Advertising Standards Bureau

The ASB administers the advertising self-regulation system, accepting complaints about advertisements for determination by the Advertising Standards

Board and the Advertising

Claims Board.

The Advertising Standards Board

The Advertising Standards Board determines public complaints abou individual advertisements, through a panel of public representatives from a broad cross-section of the Australian community.

The Advertising

The ACB resolves complaints between competing advertisers, through a panel of legal specialists. ABAC

The Alcohol Beverages Advertising Code is the code for alcohol advertising self-regulation by the ABAC Complaints Panel. All complaints concerning alcohol are received by ASB and forwarded to ABAC. Both ASB and ABAC may look at complaints pertaining to alcohol advertising independently.

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AANA Code for Advertising to Children	X
AANA Food and Beverages Advertising and Marketing Communications Code	X
FCAI Voluntary Code of Practice for Motor Vehicle Advertising	X
Alcohol Beverages Advertising Code	X

2006 Snapshot

Number of complaints received by ASB in 2006:	4044	•
Number of complaints about matters within ASB's jurisdiction:	2832	
Number of advertisements considered by the Advertising Standards Board:	527	
Number of advertisements found by the Board to be consistent with the AANA Code of Ethics:	486	
Number of advertisements voluntarily withdrawn by the advertiser prior to the advertisement being considered by the Board:	13	
Number of advertisements found by the Board to be in breach of the AANA Code of Ethics:	28	*
Number of advertisements which were NOT modified or discontinued after a complaint was upheld:	0	

Review of Operations 2006

Objectives and highlights

Build the ASB's position as the pre-eminent adjudicative authority for marketing and advertising.

- The Advertising Standards Bureau became an Associate member of the European Advertising Standards Alliance. Membership of this organisation enables us to work constructively with international counterparts to enhance the Australian advertising self-regulation system.
- The Advertising Claims Board considered two matters brought by competitors.
- Swift and proactive response to a number of significant public debates about the ASB's role in the advertising self-regulation system.

Raise awareness and profile of the ASB through appropriate communication, education and media strategies.

- Development of the ASB communication strategy and implemented through the following initiatives:
 - Extensive interaction with the media to explain the complaints-handling process, decisions arising from monthly Board meetings, and general debate on the role of the ASB in the self-regulation system.
 - Regular updates to media partners and industry organisations about ASB
 - Seminar series at universities on the ASB's role in implementing the codes of practice aimed at advertising, marketing and communication students.
 - Seminars at advertising industry functions to raise awareness of the ASB's complaints-handling procedures and to explain Board decisions and trends.
 - In conjunction with AFA, Free TV and the AANA, presented seminars to advertising agencies in Australian capital cities, across five states, to more 300 participants.

- Development and launch of a new Advertising Standards
 Bureau website including publication, for the first time, of the
 history of Board decisions as well as additional resources for
 members of the public, industry and government about the
 advertising self-regulation system.
- Quarterly newsletter targeted to industry and government which is designed to raise awareness of recent Board decisions, Board membership and current advertising self-regulation issues.
- Consumer research into awareness of the ASB and complaints system.

Implement best-practice complaints-handling procedures and protocols with an emphasis on continuous review and improvements to the system.

- Commenced new complaints management system to streamline complaints- handling, improve service to complainants and industry, and reduce administrative burden on the Bureau.
- Changed procedures to ensure that the Board was able to meet every month and more frequently, if warranted.
- As part of the new website development, introduced a new online complaints lodgement system which minimises 'run around' for complainants by effectively referring them to the most appropriate agency at the earliest opportunity.

Contribute to the effectiveness of self regulation through robust decision making by a diverse, representative and well trained board

- The ASB recruited eight new members for the Advertising Standards Board in 2006 and, at the same time, implemented a new policy of staggered appointments.
- Board members attended an induction and training day which
 focused on understanding the codes of practice and the Board's
 position in relation to other classification and adjudication bodies
 in this industry.
- Case reports amended to be more informative and indicative of Board decisions.

Effective monitoring of compliance with the system by industry, and measurement of the Board's decisions against community standards.

· Compliance by advertisers with Board decisions monitored.

Investigate and report on the feasibility of enhancements to the advertising self-regulation system.

- Improved the transparency of Board decisions by publishing on the ASB website all case reports for every matter ever considered by the Board.
- Implemented system changes to allow the Board to meet more frequently for urgent matters.
- Assessed the Australian advertising self-regulation system against international best-practice and identified areas in which the ASB Board differs from international systems and why.

Ensure the financial viability of the ASB by encouraging participation of the entire industry in the levy system.

- Continued to improve the mechanism for levy collection from industry, resulting in more timely payments.
- Worked with media agencies to review all 'opt outs' of the levy system and encouraged these parties to join the system.
- Met with the Media Federation of Australia and its Executive Committee to keep them advised of their important role in the advertising self-regulation system.

Work with government and industry partners to establish the ASB and self-regulation as the means for delivering effective advertising regulation in Australia.

 Worked with Alcohol Beverages Advertising Code management committee to improve communication and information-sharing between the two agencies, resulting in faster consideration of complaints.

- Observer member of the Therapeutic Goods Advertising Consultative Committee to ensure consistency of decisions and open communication between ASB and therapeutic goods advertising stakeholders.
- Presented to the National Road Safety Strategy Taskforce as part of ASB's administration of the Federal Chamber of Automotive Industries Car Code.
- Lodged submissions to the reviews of several industry codes, specifically the ASTRA Code, TISSC Code, SBS Television Code review to ensure industry is aware of the ASB role in advertising self-regulation.
- Sponsor of the Media Federation of Australia Annual Awards.

In recognition of the role of the AANA as the sole member of the ASB, keep the AANA fully informed of ASB activities (high level) and of the need for any changes to the AANA codes administered by the ASB.

- Provided ASB and self-regulation updates to most AANA Board meetings.
- Assisted with development of the AANA Food and Beverages Code and its accompanying Explanatory Notes
- Provided statistics as needed and informed debate on advertising self-regulation.

Recruit and manage an experienced, appropriately skilled and sustainable workforce.

 Recruited experienced staff to progress communications, policy and research projects.

Research - consumer and industry awareness

During 2006 the Advertising Standards Bureau (ASB) undertook research to test public awareness about advertising self-regulation and lodging complaints about advertising. This was the first research done by ASB since its inception in 1998.

Telephone interviews were conducted with 600 respondents across Australia. To ensure that participants were representative of the general public, within each state and territory, age and gender quotas were set based on Australian Bureau of Statistics population data.

While only 10 per cent of those surveyed were aware of the ASB without being prompted, awareness increased to 65 per cent after prompting.

Results were encouraging for the ASB on the perception of the advertising complaints system in Australia. Only 18 per cent of respondents said that they wouldn't complain about an ad because they thought it would have no effect.

35 per cent of respondents cited the main barrier for lodging complaints as too much of a hassle or couldn't be bothered.

The results, which also found that 78 per cent of respondents believed the role of the Advertising Standards Bureau was important, indicate the advertising complaints system has penetrated into some of the community. This is reflected in statistics which have shown a rise in advertising complaints every year since self-regulation began in 1998.

However, the ASB believes there is still scope for greater education and is working on developing a campaign to promote awareness of the Bureau as the appropriate authority to lodge a complaint about advertising Also undertaken was, secondary research to gauge industry awareness, understanding support of the advertising self-regularly system.

Advertisers, advertising agencies, media buyers and the government were surveyed via an online survey. Although respondent numbers were smaller than the primary audience, the results were positive.

The entire sample was aware of the ASB after prompting whilst 61 per cent were aware spontaneously.

Only 3.5 per cent of respondents had received a complaint about one of their advertisements and amongst this group attitudes towards the ASB varied with some indicating that they were very dissatisfied with the ASB.

The majority of respondents considered the ASB and ACB to be important.

No one thought that either was unimportant.

A majority of respondents were aware of the Code of Advertising to Children (89%) and the Advertiser code of Ethics (81%). 65 per cent were aware of the Food and Beverages Marketing Code and far fewer (38%) were aware of the Federal Chamber of Automotive Industries Code of Practice

Over half of respondents agreed with the key communications messages though more agreed that the ASB takes every complaint seriously in comparison with the other messages.

The ASB will examine community standards and advertising during 2007, as part of an ongoing commitment to best practice in advertising self-regulation.

Chairman's Report

2006 fulfilled predictions as a significant, high-activity year for the ASB and the Bureau Board.

The past 12 months have proved both challenging and rewarding. Work has progressed to build the ASB's position as the pre-eminent complaints resolution body for the advertising industry.

Support from media agencies continues to be strong and the levy system is working well.

Staff numbers increased and the ASB is now able to undertake research into consumer and industry awareness and attitudes as well as communicating its position on advertising standards to the broader community by fostering strong relationships with the media and academic communities.

In working towards a best practice model for advertising complaints resolutions, the ASB joined the European Advertising Standards Alliance. This membership gives the ASB access to its counterparts internationally which in turn provides support and guidance for further development of our system in line with international standards.

There was a change in the structure of the Advertising Standards Board with membership increasing from 12 to 16 community members. The new members must be acknowledged for their desire to promote an effective complaints resolution system whilst the continuing members' contribution remains significant.

A special mention must go to the outgoing members whose dedication over the past decade has contributed to a robust and transparent complaints resolution system in which the community can place their trust.

Advertisers have continued to demonstrate their support for the system both financially and through 100% compliance with all decisions made by the Board. They are to be commended on their diligence, both financially and philosophically, to supporting a system that benefits both the community and their industry.

Review of Operations 2006

Chief Executive Officer's Report

In my first report I outlined some of the enhancements to the advertising self-regulation system planned for 2006. I am pleased to report that all of these enhancements took place and that the Advertising Standards Bureau and its Boards are the better for these improvements.

Of particular importance was the recruitment and training of new Board members. With our sights set on ensuring that the Board continued to be diverse, representative and well trained we invited members of the public to apply for a position on the Board. Following an interview process, eight new members were appointed and following their appointment the new Board undertook a comprehensive and rigorous induction and training day. Nearly a year on, the new Board shows itself to be as independent as ever and to be making decisions soundly based on application of the AANA Codes against community standards.

The responsiveness of the Board continues to be an important aspect of the self-regulation system. Now meeting every month, during 2006 the Board met on one additional occasion, considering that the advertisement merited more urgent consideration.

During 2006 the new Advertising Standards Bureau website went live and included on this site are case reports of all the decisions made by the Board since it was created. We believe that this compilation of case reports provides a valuable resource for consumers and industry alike. Many advertisers use this information, and the precedent value it provides, in assessing new advertisements or in responding to complaints made against current advertisements. We believe that the transparency of the Board's decisions is an important element of the self-regulation system. Also included on our new website are our annual statistics, Review of Operations and access to all of the Codes administered by the ASB.

An important part of enhancing the website is to enable complainants to access the correct organisation the first time. Nearly ${\it r/3}$ of complaints received by the Bureau are referred to other organisations (mostly because

they concern program promotions, time zone issues or deal with issues of truth and accuracy). The website now includes more information that enables complainants to more easily discover the correct organisation with which to lodge a complaint.

During 2006 we also initiated a quarterly newsletter – this newsletter is designed to provide industry and government stakeholders with quarterly information on complaints, trends in Board decisions, interviews with Board members, and information on current advertising self-regulation issues.

2006 also saw the ASB respond to a number of reports from the private sector which commented on the effectiveness of the advertising self-regulation system. Discussed in more detail elsewhere in this Review, the ASB responded promptly to the reports. As part of ensuring the effectiveness of the self-regulation system, the ASB encourages research organisations to contact ASB during their research so that we can provide accurate information about cases, the operation of the ASB and other matters relating to our work in order to enhance the accuracy of reports which seek to influence the community and governments' view of advertising self-regulation.

Late in 2006 we also undertook research into the level of awareness of the ASB and its Boards among consumers. Also discussed in more detail elsewhere in this report, the research provided valuable information which will enable us to develop a well targeted public information and awareness raising campaign in 2007.

I look forward to the challenges and advertisements of 2007.

Fiona Jolly Chief Executive Officer

The centre-piece of the self-regulation

Advertising Standards Board

system is the dedication, composition and independence of the Advertising Standards Board. The Board is made up of people from different walks of life with a diverse cross-section of views and skills.

The Board also represents a broad range of age groups and is gender-balanced. Individual Board members do not represent any particular interest group and are individually and collectively clearly independent of the industry. On the rare occasion on which an individual member has had a connection with a party concerned in a particular determination, that Board member absents herself or himself from the meeting.

The public-mindedness, dedication and independence of the Advertising Standards Board have earned the respect of the industry and the broader Australian community. The Board discharges its responsibilities with fairness, impartiality and with a keen sense of prevailing community values. The Board's task is often a difficult one and the outcomes of its determinations will not and can not please everyone. The Board is to be commended and congratulated for its service to the community.

A summary of the complaints process and Board meeting process is under the heading 'Advertising Standards Board Complaints Process' (see page XX).

Inaugural appointments to the Board were made by the Chairman of the Australian Association of National Advertisers (AANA). Many of those inaugural appointees continued to serve on the Board in 2006. All these members have given outstanding service to the community in the way they have carried out their duties.

All decision-making bodies require new membership to ensure they continue to reflect the constituency they are serving. In 2006, the ASB initiated a policy to ensure the Board membership continued to be representative of the broad professional, cultural and community interests in Australian society. This policy of regenerating the membership of the Board involved fixing the term of serving members and staggering new appointments to ensure the Board retains a mix of strong corporate knowledge while regularly introducing people with different experience and skills.

The ASB called for applications to join the Advertising Standards Board in March. The ASB wanted to attract people with an interest in advertising and community standards.

In July 2006, the Bureau Board of Directors appointed nine new members to the Advertising Standards Board. The incoming members were selected on the basis of the relevance of their professional experience and their involvement in the community.

Their appointment also resulted in the departure of five Board members: Julia Carland, Graham Cox, Geoff Lawson, Roy Masters and Liz Wise. These members are to be congratulated for their contribution to the Board and their unswerving commitment to upholding advertising standards in Australia.

Review of Operations 2006

The new members joined the Board from August 2006 and were appointed for a period of three years. The incumbent members were appointed for a further period of two years from August 2006.

Board meetings

The Board meets on a monthly basis and in 2006, for the first time, convened a meeting in the month of January to reflect the need to respond all year-round to complaints from the public.

The Board also established another 'first' when it met by teleconference to consider an urgent matter which had to be resolved before the next scheduled monthly meeting. The case involved the Meat and Livestock Corporation's Australia Day ad, featuring Sam Kekovich, which had been the subject of many complaints, and which was only scheduled to be on-air for a short period. The Board's flexibility in meeting at short notice demonstrated its commitment to respond quickly to matters of concern raised by the public.

The position of Chair is rotated among Board members on

a meeting-by-meeting basis. The Chair for each meeting is generally set at the beginning of each year but can be varied to accommodate changes in individuals' schedules.

Board members must disclose any personal interest in a matter that is the subject of a complaint. The member concerned must withdraw from contributing to the debate and decision and/or approving the case report in relation to those complaints.

If a Board member's duties to another Board or organisation require that they breach their duty of loyalty or confidentiality to the Board for a period of time, then the member must disclose this position to the Board.

A general conflict with the Board would require that the member withdraw from their duties to the Advertising Standards Board during the period that the conflict continues.

The Board reaches its decision by way of a simple majority. In the event of a tied vote, the Chair has the casting vote.

Attendance at Board meetings in 2006

There were 13 meetings in 2006.

BOARD MEMBER

NUMBER OF MEETIINGS ATTENDED

Tanveer Ahmed (member from August 2006)	5 (of 5)
John Bokor	12
John Brown	8
Sibylla Budd (member from August 2006)	3 (of 5)
Julia Carland (member until July 2006)	4 (of 7)
Joanna Cohen	12
Graham Cox (member until July 2006)	7 (of 7)
Khoa Do (member from August 2006)	3 (of 5)
Ann Drummond (member from August 2006)	4 (of 5)
Thomas Keneally	8
Sophie Killen (member from August 2006)	4 (of 5)
John Konrads	II
Geoff Lawson (member until July 2006)	4 (of 7)
John Lee (member since August 2006)	5 (of 5)
Catharine Lumby	10
Paul McCarthy (member since August 2006)	4 (of 5)
Roy Masters (member until July 2006)	3 (of 7)
Josephine Tiddy (member since August 2006)	4 (of 5)
Emma Tom	П
Helen Wicks (member since August 2006)	4 (of 5)
Liz Wise (member until July 2006)	6 (of 7)

CURRENT BOARD MEMBERS

Tanveer Ahmed Appointed August 2006

Tanveer Ahmed has a broad range of experience in the health and media professions. Tanveer is a psychiatry registrar in the public hospital system, where he oversees all aspects of mental health services and clinical leadership.



Tanveer's background is as a journalist. He worked for SBS Television covering foreign affairs, business and domestic politics. He currently writes regularly for a number of major broadsheet newspapers, mainly on topics relating to multiculturalism and Australian Muslims, work, stress and other health-related topics. He is also the mental health expert for Men's Health magazine.

Tanveer was invited to be a member of Australia's Future Forum in 2006. As one of 100 future leaders of Australia under the age of 40, he was selected by a Prime Ministerial committee to debate the major issues likely to shape Australia's future. Tanveer also performs comedy and was a dual state finalist for Triple J Raw Comedy.

John Bokor Appointed August 1999

John Bokor is a working artist who also manages an art gallery. John graduated from the National Art School in 1993. His paintings have been regularly exhibited with four solo shows earning critical acclaim.



He is also a joint editor of *A Public of Individuals*, a journal of art criticism.



John Brown Appointed May 1998

Former Federal Tourism Minister John Brown was a member of the Commonwealth Parliament for 13 years.

John has been awarded the Olympic Silver Order of Merit and Australian Institute of Marketing Gold Medal. He was



elected a Life Member of the Australian Institute of Sport and is a member of the President's Council of the Surf Lifesaving Association. He is also the Emeritus Chairman of Spinesafe and the Transport and Tourism Forum.

Born and bred in Concord in Sydney, John has five adult children and 11 grandchildren.

Sibylla Budd

Appointed August 2006

Sibylla Budd is one of the young and emerging stars of the acting profession in Australia. She grew up in Canberra and moved to Melbourne to study at the Victorian College of the Arts, where she graduated with a degree in Dramatic Art.



Since then, Sibylla has shot to prominence with her role in the Australian drama, *The Secret Life of Us*, although her acting experience extends far beyond the popular series. Her other television work has included roles in *The Farm*, *All Saints*, *Something In The Air*, and *Kath and Kim*.

Another of Sibylla's acclaimed performances was on the big screen where she appeared with David Wenham and Anthony LaPaglia in the movie, *The Bank*. She has also appeared in yet-to-be-released movies, *The Bet*, and *Book of Revelations*, and has also made numerous theatre performances.

Sibylla describes one of her most rewarding projects as a documentary she filmed with children from remote villages of Tanzania for World Vision Australia.

Joanna Cohen Inaugural Member

Joanna Cohen is the Marketing Communications Manager for the University of Sydney. Reflecting her diverse talents, she has also managed a Sydney rock band and is a freelance film writer.

Joanna has a Bachelor of Arts in

Communications and a Master

of Arts in English Literature. She has a passionate interest in film,
having worked for producers and co-created a film festival.

Joanna has lived most of her life in the inner western suburbs of Sydney but spent some of her childhood in the central west of New South Wales, and has also lived and worked in London.

Khoa Do Appointed August 2006

Khoa Do was born in Vietnam and came to Australia as a refugee when he was two years old. Khoa began working in the performing arts in the late 1990s, developing and producing a number of shows and films. He is now a film director in his own right, having achieved significant success in his short career.



Khoa's first feature film, The Finished People, was a gritty and realistic story about at-risk adolescents on the edge of survival. The film won international acclaim and was nominated for an Australian Film Industry Award for Best Direction, and Film Critics Circle of Australia Awards for Best Film and Best Director. It won the Independent Film Independent Spirit Award in 2003.

Khoa has also worked as a volunteer with Open Family Australia at Cabramatta in Sydney, assisting at-risk youths. He was awarded Bankstown City's Young Citizen of the Year Award in 2002.

Khoa was named Young Australian of the Year in 2005. His most recent feature film, Footy Legends, starring Claudia Karvan, Anh Do and Peter Phelps, was released in Australia in August 2006.

Ann Drummond Appointed August 2006

Ann Drummond was born in Scotland where she spent her early childhood years before her family migrated to Canada. Ann lived in Canada for 16 years before moving to Australia in 1975. She now lives in St Kilda in Melbourne. Ann has two grown step-children.



Ann has a degree in both theology and early childhood education. She is a retired Uniting Church minister but continues her involvement as a seminar leader, conducting 'Code of Ethics and Prevention of Sexual Misconduct' workshops for clergy of the Uniting Church's Synod of Victoria and Tasmania.

Ann has extensive experience in the fields of child education and children's services. She has managed government programs which delivered services to the community for maternal and child health, child care, youth development, and aged and community care.

Ann is an active member in many groups including YWCA Victoria, Victorian Women's Trust and Friends of the St Kilda Botanical Gardens.

Thomas Keneally Inaugural Member

Best selling author, playwright, scriptwriter, English professor, holder of a number of honorary doctorates and multi-award winner, Thomas Keneally has written more than 20 novels including *The Chant of Jimmy Blacksmith* and *Schindler's Ark*. He was the inaugural chairman of the Australian Republican Movement and is now a director.



Tom spent his early years in country towns of northern NSW before moving to the Sydney suburb of Homebush where he studied for the priesthood. Tom is married with two children and several grandchildren, and is widely known as an obsessive rugby league fan.

Sophie KillenAppointed August 2006

Sophie is currently undertaking a Master of Laws at the University of Melbourne while working as a policy analyst/researcher in the Strategy, Analysis and Coordination Division of the Australian Communications and Media Authority.



Sophie previously worked as a Research Fellow at the Centre for Media and Communications Law (CMCL) at the University of Melbourne where she researched a paper on the control of cross-border tobacco advertising, promotion and sponsorship in a joint project of the CMCL and the Vic Health Centre for Tobacco Control. She has also worked as a judicial associate in the Federal Magistrates Court of Australia.

Sophie's interest in media and communications law, regulation and cultural industries is complemented by her work as an academic tutor and her background in media studies.

For many years Sophie has sung in Australian choirs including The Australian Voices, Canticum and The Melbourne Chorale. In this capacity, Sophie has participated in a number of festivals, concerts and educational workshops with children living in metropolitan and regional Australia.

Sophie was raised in Queensland, spent several years in Melbourne and now lives in Sydney.

John Konrads Appointed May 1998

Olympic gold medallist and triple Commonwealth gold medallist, John Konrads brings to the Board extensive experience in industry and sports.

John spent many years as an advertiser in his time as CEO of L'Oreal and then as General

Marketing Manager of Ansett Airlines. He is now a director of Cook & Phillip Park Aquatic and Fitness Centre in Sydney's CBD. He has contributed to the evolution of numerous consumer regulations.

Born in Riga, Latvia, John spent his youth living and swimming in Sydney. He spent many years living in Los Angeles, Paris and Melbourne before returning to Sydney. John is married and has three adult children.



Appointed August 2006

John Lee has worked in transport operations and communications for 10 years. He is currently the Chief Executive Officer of the State Transit Authority of NSW, which operates Sydney's largest bus fleet.



John's previous roles include Director-General of Transport in NSW and Head of Communications and Marketing at CityRail. He was a key member of the team that successfully delivered transport for the Sydney 2000 Olympic Games.

John has spent most of his life based in western Sydney where he has been involved in numerous community and charity projects. He is a current member of the Parramatta Stadium Trust.

John is married with a young family including a daughter aged four and a son aged 18 months.

Catharine Lumby

Inaugural Member

Catharine Lumby is an Associate Professor of Media Studies at Sydney University and writes regularly for the Sydney Morning Herald and The Age opinion pages.

Catharine has recently authored a book with her partner, called Why TV Is Good For Kids, about the

impact of television on the development of children. She has written widely on feminism, culture and the media, and is the author of the book, Bad Girls: The Media, Sex and Feminism in the 90s. Catharine is also a member of the Education and Welfare Committee of the National Rugby League.

Catharine is the mother of two young boys. She was born in Newcastle and worked in Adelaide and New York before settling in Sydney.



Paul McCarthy lived in Queensland for 37 years before moving to Sydney to work for the Office of Film and Literature Classification in January 2003.

Paul's background is in health policy, censorship policy and media regulation, and privacy and

complaints handling. His work for Commonwealth, State and local governments has included consulting with industry and the community on a range of projects. Most recently, he advised on the statutory framework for the application of community standards to films, computer games and publications.

His first professional job was as a therapist in a child psychiatry clinic and he has been a member of the Speech Pathologists Board of Queensland.

Paul is a committed vegetarian with interests in holistic health, fitness, individual rights and film.



Josephine Tiddy Appointed August 2006

Josephine is the Managing
Director and Principal Consultant
of a consultancy firm specialising
in culture change, investigating
and resolving complaints from
consumers, and disputes in
the workplace.



Prior to establishing the consultancy, Dr Tiddy was Australia's longest-serving Commissioner for Equal Opportunity and Chief Executive of the Equal Opportunity Commission in South Australia for 16 years.

She was awarded a honorary doctorate by Flinders University in recognition of her national contribution to the field of administrative law, specifically discrimination law and social policy, conciliation of complaints and legislative reform.

Josephine has written widely on equality, fair treatment and discrimination. Her book, *It's Just Not Fair*, describes the personal stories of Australians who acted in conjunction with the law to confront and change the way society thinks, works and lives.

Josephine, who was also a registered nurse at the Adelaide Children's Hospital, lives in Adelaide where she is heavily involved in community organisations as well as being a serving member of numerous boards and committees.

Josephine enjoys life with her three married children and five grandchildren. She is also a keen participant in the arts, particularly theatre, as well as tennis and swimming.

Emma Tom

Appointed May 2003

Emma Tom is a writer with five books to her credit, most recently *Bali: Paradise Lost?* which deals with Australia's on-again off-again relationship with Bali. Her first novel, *Deadset*, won the 1998 Commonwealth Writers' Prize for Asia and the South Pacific for Best First Novel.



Her next book, *Attack of the Fifty Foot Hormones*, is a survival guide to pregnancy and will be published by HarperCollins in 2008.

Emma has worked in radio and television, including as a reporter on Channel Seven's *The Late Report*. In 2001, the Women's Electoral Lobby awarded Emma the Edna Ryan Humour Award for "using wit to promote women's interests". She has also received the Henry Lawson Award for Journalism, and currently writes a weekly newspaper column for *The Australian*.

Emma, who grew up in regional New South Wales, has recently given birth to her first child and is currently completing a PhD at the University of Sydney. She is also involved in community radio and plays in a band that has performed to raise money for a number of charities.

Helen Wicks

Appointed August 2006

Helen Wicks is a full-time mother of three children (aged 8,5 and 3) who has a long association with community organisations in professional and volunteer capacities.



Helen has been a member of the Australian Breastfeeding

Association since 1998. In 2005, she qualified as a breastfeeding counsellor and now conducts information and discussion groups for new mothers as well as providing her expertise on the Helpline telephone advisory service.

Helen has been a member of Playgroup NSW since 1999, occupying several committee positions. She was elected to the board of Playgroup NSW as the Country zone representative in 2003 and in 2006 was elected to the position of Vice-President.

Helen also has an active role in the church and school communities in her hometown of Armidale. In addition to her family and volunteer duties, she is also studying a Bachelor of Applied Science in Library and Information Management.

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RETIRING BOARD MEMBERS (JULY 2006)

Julia Carland Member until July 2006

Julia Carland was born in Canberra but spent her first fourteen years 'on the move' with her family, living in Melbourne (twice), London, Washington DC, Brisbane and Sydney. Now settled in Sydney, Julia has recently completed the final year of her Graduate Law degree at the University of Sydney.



Prior to Law School, she studied a Bachelor of Arts (Media & Communications) degree at Sydney University, completing a major in Human Geography and undertaking a final year internship as a Media Relations Officer at the Australian Paralympic Committee.

During her time at university, Julia worked as a paralegal at Blake Dawson Waldron Lawyers, a Sydney University Student Ambassador and volunteered at the Inner City Legal Centre in Darlinghurst.

At the time of leaving the Board, Julia was working in the Federal Court as a Judge's Associate.

Graham Cox Member until July 2006

Graham Cox has spent all his Australian working life in advertising and the past 25 years with George Patterson Bates, where he was a director for 20 years. Graham has travelled extensively, including a period working in London. He has an honorary MA Communications degree.

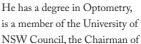


Graham is the proud adoptive father of one daughter, and is grandfather to three young children.

Geoff Lawson

Member until July 2006

Geoff 'Henry' Lawson had an outstanding career as an Australian test cricketer. In 1990, he was awarded the Order of Australia for services to cricket.





Geoff is heavily involved in high performance cricket coaching with Cricket NSW, specialising in fast bowling for age groups from under 14 up to the top level.

Roy Masters

Member until July 2006

Following careers as a school teacher and coach of leading rugby league teams, Roy is a journalist with The Sydney Morning Herald and a television and radio commentator. He is also an inaugural member of the Board of the Australian Sports Commission. Roy divides his time between Sydney and Melbourne and has four adult children.



Member until July 2006

Focusing her studies on communications theory and film production, Liz completed her Bachelor of Media degree at Macquarie University in 2001. While studying, she produced four short films, worked in the publishing industry as a business strategist, and in community radio as a show host, producer,

voice-over artist and writer.





Advertising Complaints

The year saw an increase of almost 38 per cent (4044 up from 2931) in the number of complaints received at the Advertising Standards Bureau indicating awareness about the complaints-handling process is continuing to rise.

In an encouraging sign of that awareness, the number of complaints which fell outside the ASB's jurisdiction was 29.9 per cent, which was – albeit slightly – down from the 2005 figure of 32.2 per cent.

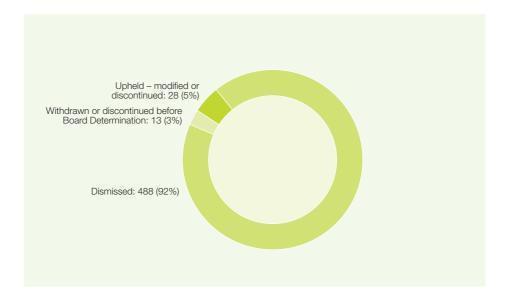
Number of advertisements considered and outcome of complaints

In 2006, the Board considered 2,832 complaints against 529 advertisements. Complaints from 2,648 people against 488 (or 92 per cent) ads were dismissed.

The remaining 184 complaints against 41 advertisements (or eight per cent) were either upheld or withdrawn before they were considered by the Board. Of the ads against which complaints were upheld by the Board, 100 per cent were removed from broadcast or publication.

The number of upheld/withdrawn cases was down on the 2005 figure of 12 per cent which indicates that advertisers and advertising agencies are aware of the ethical principles of the Advertiser Code of Ethics, and in the main, are applying these principles in developing advertising concepts and material.

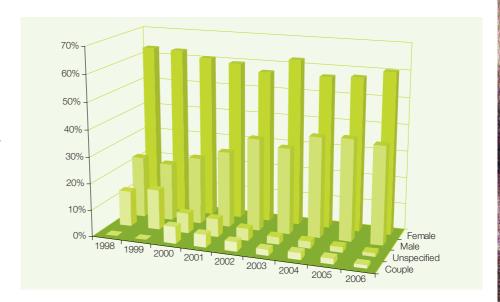
The 100 per cent compliance with Board decisions indicates the advertising industry takes seriously its obligations and responsibilities to the system of self-regulation.



Who is complaining?

In 2006, the majority of complaints continued to come from women (60.45 per cent), with 36.75 per cent of complaints coming from men. The remaining 2.8 per cent came from couples or organisations.

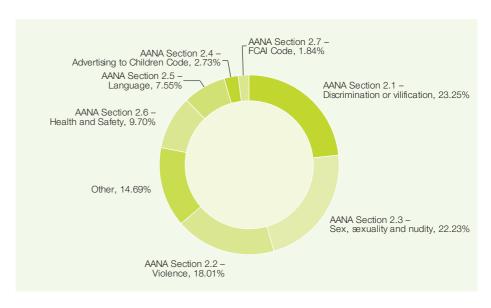
The figures indicate a steady trend about the gender of complainants since the year 2000.



What do people complain about?

The two categories under Section 2 of the Advertiser Code of Ethics which attracted the most complaints were "Discrimination or vilification" (section 2.1 of the code) and "Sex, sexuality and nudity" (section 2.3). Both of these sections attracted just over 23 per cent of complaints each, figures slightly lower than 2005.

The other categories attracting higher numbers of complaints were "Violence" (18%) and "Other". This category includes: causing alarm and distress, particularly to children; environmental issues; the portrayal of people relating to their occupation; and social values. The percentage of complaints against this category (14.69%) was consistent with the 2005 figure (14.59%).



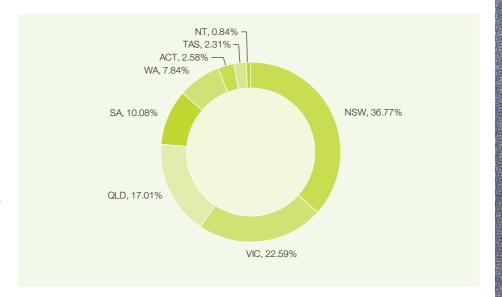
Where are complaints coming from?

The majority of complaints continue to come from the most populous states with New South Wales again leading the way (up 4% from 2005) from Victoria (up 1.5%).

Queensland recorded the largest fall in the number of complaints (down 7.6%) while there was a slight decline in Western Australia and the Northern Territory.

The decline in complaints from Queensland is likely to reflect that in 2005 two Transport advertisements shown in Queensland attracted substantial complaints.

The remaining states and territories recorded small increases.



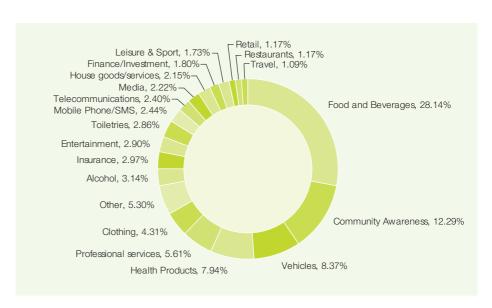
Which products attract the most complaints?

Advertisements promoting food and beverage products again received the highest number of complaints (up 7.3% on 2005).

28.14% of the most complained about ads for 2006 were for food and beverage products. The reason for complaint was not generally related to the nutrition of the product.

The category of "Community awareness" was next, largely due to the number of complaints received about Quit Victoria's anti-smoking advertisement which depicted the controversial cancerous mouth image.

Complaints against car advertisements, which received the second highest number of complaints in 2005, fell by almost seven per cent in 2006.

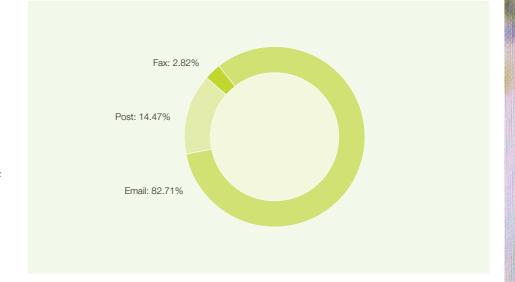


Method of complaint

With technological advances and ease of access, it is not surprising that the number of people choosing to lodge their complaints electronically continues to rise. In 2006, 82.71 per cent of complaints were lodged by email or through the ASB's website, up from 73.08 per cent in 2005.

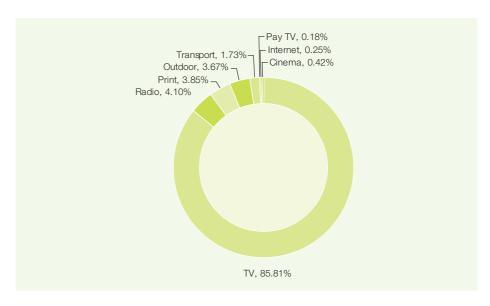
The ASB has invested significantly in creating a quick and easy-to-follow complaint lodgement process on its website to reflect increasing internet access throughout Australia.

Complaints will continue to be accepted by post (14.47% in 2006) and fax (2.82%).



Media attracting complaint

As with previous years, the majority of complaints (85.81%) relate to advertisements shown on television with the remainder evenly spread among radio, print and outdoor media. The Board began to look at Internet advertisements mid way through 2006 due to a change in the AANA Code. The total percentage of complaints about Internet advertising was only 2.5 percent but this figure is expected to rise as the Board now considers all types of Internet advertising including microsites.



	2006	2005	2004	2003	2002	2001	2000	1999	1998
OUTCOME OF COMPLAINTS (No.)	······································	······································		······································		············	······································	······································	
Dismissed	2648	1753	1319	1770	11191	1291	1971	1553	927
Upheld	164	94	55	23	11	47	162	111	73
Withdrawn before board determination	20	139	236	1113	16	0	0	0	0
Outside Charter	1212	970	656	714	354	367	425	401	382
TOTAL	4044	2956	2266	2620	1572	1705	2558	2065	1382
GEOGRAPHIC SOURCE OF COMPLAINTS (%)									
NSW	36.77	32.68	38.20	37.73	31.71	32.94	34.98	39.10	42.20
VIC	22.59	21.19	22.17	24.75	25.61	23.62	23.92	13.60	13.70
QLD	17.01	24.60	16.16	15.86	18.74	16.47	19.71	20.20	19.60
SA	10.08	8.54	8.84	7.68	10.53	12.43	7.95	11.80	6.70
WA	7.84	7.98	7.10	7.22	7.77	9.20	7.87	10.30	11.20
ACT	2.58	2.47	4.75	4.40	2.95	2.23	2.38	2.80	2.90
TAS	2.31	1.84	1.92	1.52	2.25	2.17	2.06	1.70	2.20
NT	0.84	0.60	0.83	0.84	0.39	0.94	1.09	0.50	1.50
Abroad	0.00	0.10	0.04	0.00	0.06	0.00	0.04	0.00	0.00
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
GENDER OF COMPLAINANTS (%)									
Couple	1.35	2.10	2.61	2.30	3.59	4.87	6.35	0.00	0.00
Unspecified	1.45	2.13	2.70	2.83	4.55	6.86	7.56	15.20	13.40
Male	36.75	38.08	37.63	32.37	34.76	28.66	25.24	21.80	23.20
Female	60.45	57.69	57.06	62.50	57.11	59.61	60.85	63.00	63.40
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
ISSUES ATTRACTING COMPLAINT (%)									
AANA Section 2.1 – Discrimination or vilification	23.25	27.13	18.36	8.47	10.46	10.15	7.99	10.56	9.77
AANA Section 2.3 – Sex, sexuality and nudity	22.23	26.49	17.22	30.32	31.48	27.60	26.59	18.39	24.42
AANA Section 2.2 – Violence	18.01	17.38	5.84	10.65	13.11	20.24	13.56	9.75	15.66
Other	14.69	14.59	36.42	25.46	18.43	22.10	23.07	38.26	30.08
AANA Section 2.6 – Health and Safety	9.70	6.46	7.77	5.43	0.00	0.00	0.00	0.00	0.00
AANA Section 2.5 – Language	7.55	4.36	5.24	1.67	5.78	1.99	1.89	3.69	4.65
AANA Section 2.4 / Advertising to Children Code	2.73	0.20	5.18	8.62	16.93	11.02	15.42	12.41	10.54
AANA Section 2.7 / FCAI Code	1.84	3.38	3.97	9.38	3.81	6.90	11.48	6.94	4.88
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

				2006	2005	2004	2003	2002	2001
REASON COMPLAINTS FELL OUTSIDE CHARTER (No.)		•		•	· · · · · · · · · · · · · · · · · · ·	•		•	
Within Section 1									
Business Practices				7	6	3	13	13	11
Misleading				186	121	91	68	40	67
Legality*				11	1	-	-	-	-
Misleading claim about Australian country of origin/content*				5	0	-	-	-	-
Compliance with law*				4	15	-	-	-	-
Misrepresentation*				6	1	-	-	-	-
Outside Section 2									
Tobacco				8	3	2	1	2	1
Phone sex				1	0	0	0	0	0
Political Advertising				11	10	0	0	0	0
Broadcast Timing*				118	104	-	-	-	-
Dislike Advertising*				25	30	-	-	-	-
Other*				76	112	-	-	-	-
Not an Advertisement									
TV and radio promotional material				186	144	-	-	-	-
Program content*				126	73	-	-	-	-
Volume of advertisements*				12	71	-	-	-	-
Community service announcements*				61	35	-	-	-	-
Informercial*				1	1	-	-	-	-
Product or service*				92	29	-	-	-	-
Point of sale*				29	27	-	-	-	-
Direct distribution to an individual*				5	11	-	-	-	-
Not an advertisement – Internet				39	30	-	-	-	-
Not an advertisement – Direct mail*				11	19	-	-	-	-
Local advertising				14	30	29	27	0	0
Label directions				5	2	1	0	0	1
Other				48	21	143	162	79	105
Specific Industry Code				5	6	13	9	10	8
Withdrawn/Discontinued				43	13	23	62	38	5
Insufficient Information*				40	17	-	-	-	-
Other				37	38	351	372	172	169
*Statistics not collected prior to 2005									
	2006	2005	2004	2003	2002	2001	2000	1999	1998
METHOD OF COMPLAINT (%)									
E-mail	82.71	73.08	69.95	60.44	47.46	10.42	N/A	N/A	N/A
Post	14.47	22.36	25.96	32.65	43.32	86.83	N/A	N/A	N/A
Fax	2.82	4.56	4.09	6.91	9.22	2.75	N/A	N/A	N/A
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00			

	2006	2005	2004	2003	2002	2001	2000	1999	1998
MEDIA ATTRACTING COMPLAINT (%)		•••••••••••	······································	•••••••••••••••••••••••••••••••••••••••		•••••••••••	•••••••••••••••••••••••••••••••••••••••	•••••••••••••••••••••••••••••••••••••••	
TV	85.81	84.81	85.33	80.59	58.22	66.44	71.87	71.70	84.10
Radio	4.10	2.11	1.74	1.69	2.06	1.38	1.22	3.60	2.00
Print	3.85	4.76	5.47	4.48	8.80	13.58	7.41	11.80	10.70
Outdoor	3.67	6.67	6.28	9.23	29.77	14.01	18.66	11.70	1.90
Transport	1.73	0.45	0.62	0.63	0.42	0.09	0.00	0.00	0.00
Cinema	0.42	0.60	0.50	0.43	0.16	0.35	0.33	1.20	0.60
Internet	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pay TV	0.18	0.25	0.00	0.00	0.16	0.00	0.05	0.00	0.70
Multiple Media	0.00	0.35	0.06	2.95	0.41	4.15	0.46	0.00	0.00
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00
PRODUCT CATEGORY ATTRACTING COMPLAINT (%)									
Food and Beverages	28.14	20.85	15.41	13.45	25.39	22.32	13.83	11.40	16.70
Community Awareness	12.29	8.02	3.85	0.94	2.63	3.03	4.97	5.50	6.00
Vehicles	8.37	15.19	14.29	15.80	10.27	11.68	9.99	9.60	6.90
Health Products	7.94	3.46	2.42	3.14	2.38	5.54	2.67	3.50	1.60
Professional services	5.61	2.56	0.25	0.26	0.66	1.47	0.80	1.90	1.90
Clothing	4.31	6.22	8.02	14.08	27.94	7.27	16.13	10.10	3.80
Other	5.30	6.67	1.74	2.56	1.40	1.10	1.22	0.40	5.70
Alcohol	3.14	7.07	21.38	11.62	6.00	2.42	4.83	10.00	2.80
Insurance	2.97	0.00	1.24	0.73	0.58	2.25	0.84	1.40	1.30
Entertainment	2.90	0.00	1.12	1.20	1.48	3.72	2.86	4.00	5.40
Toiletries	2.86	5.26	7.46	15.70	4.03	4.15	9.99	2.00	6.00
Mobile Phone/SMS	2.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Telecommunications	2.40	4.51	2.05	4.81	1.40	6.66	2.72	2.60	3.50
Media	2.22	0.00	2.49	4.03	0.74	3.03	5.49	1.90	3.50
House goods/services	2.15	11.18	4.85	4.71	3.12	8.30	5.30	6.40	6.00
Finance/Investment	1.80	2.81	2.42	0.99	0.74	3.20	1.17	1.10	2.20
Leisure & Sport	1.73	1.45	1.31	1.67	1.15	1.56	0.42	1.60	3.50
Retail	1.17	0.00	1.06	0.73	6.41	5.97	3.84	9.30	11.00
Restaurants	1.17	2.91	1.74	0.26	0.33	1.04	7.88	0.70	4.40
Travel	1.09	1.85	0.68	0.78	1.56	1.99	0.89	8.70	2.50
Office goods/services	0.00	0.00	4.72	0.10	0.49	0.26	0.05	3.90	0.00
Toys and games	0.00	0.00	0.62	1.15	0.25	0.69	0.23	1.30	1.60
Gaming	0.00	0.00	0.37	0.05	0.33	0.35	0.05	0.20	0.30
Hardware/machinery	0.00	0.00	0.31	0.68	0.08	0.35	0.75	0.30	0.60
Real estate	0.00	0.00	0.12	0.26	0.25	0.69	0.33	0.40	1.30
Information technology	0.00	0.00	0.06	0.26	0.33	0.61	0.42	0.90	0.60
Slimming	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.20	0.60
Education	0.00	0.00	0.00	0.00	0.08	0.35	0.14	0.60	0.00
Employment	0.00	0.00	0.00	0.00	0.00	0.00	2.19	0.10	0.30
TOTAL	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Top 10 Most Complained-About Ads

2006

1. Stuart Alexander - Mentos Ice Chewing Gum

A man at a beach takes a packet of Mentos Ice gum out of his pocket and eats a piece. Due to the cooling effect of the gum, it makes the hair on his chest stand up and his nipples grow.

Grounds for complaints: Portrayal of sex and/or nudity;

discrimination and or vilification

Number of complaints: 220+

Determination: Complaints dismissed

2. Quit Victoria – Mouth cancer

This television advertisement opens on a cigarette pack showing a photo of a mouth ravaged by mouth cancer. The mouth suddenly starts to speak "Smoking causes mouth cancer."

Grounds for complaints: Violence Number of complaints: 200+

Determination: Complaints dismissed

3. Schering – Demazin

This television advertisement uses a cartoon figure (Mr Sniffles) with pockets stuffed with tissues, and with mucous dribbling from its nose, which it sniffs back up its nostril and wipes with the sleeve of its coat.

Grounds for complaints: Causes distress and alarm

Number of complaints: 150+

Determination: Complaints dismissed

4. Inghams - Chicken

This television commercial uses a number of scenarios in which a child mimics her parents by using the word "bloody".

Grounds for complaints: Language; violence

Number of complaints: 100+

Determination: Complaints dismissed

5. Coca-Cola – Zero

This television advertisement depicts a young man in a bus drinking Coca-Cola Zero, leaning out of the moving bus to collect "witches" hats before standing on top of the bus using a "witches" hat as a megaphone to shout slogans to crowds of onlookers. The bus comes to a sudden halt as it reaches the beach, propelling the man from the roof into the ocean.

Grounds for complaints: Health and safety

Number of complaints: 65+

Determination: Complaints upheld (modified or discontinued)

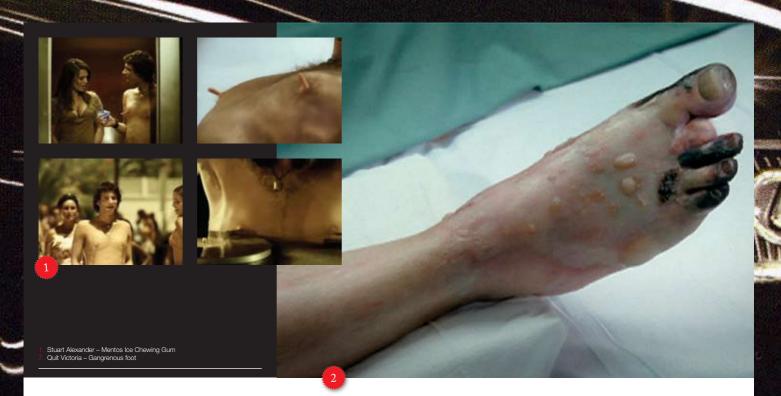
6. Meat & Livestock – Evolution

This television advertisement features actor Sam Neill sitting in a tree holding onto a branch, saying, "Over 2 million years ago our ancestors took a giant leap. They jumped out of the trees and started to eat red meat". The ad concludes with the line, "Red meat. We were meant to eat it".

Grounds for complaints: Discrimination (religion), health and safety, other (cruelty to animals)

Number of complaints: 50+

Determination: Complaints dismissed



7. Quit Victoria - Gangrenous foot

This television advertisement is set in a hospital operating theatre where a surgeon is standing over a male patient with a gangrenous foot, preparing it for amputation.

Grounds for complaints: Violence Number of complaints: 45+ Determination: Complaints dismissed

8. Wendy's – Ice cream shakes

This television advertisement features a mother and her son (Josh) and daughter (Emily) sitting at a table at a Wendy's outlet enjoying shakes, before the mother distracts the children so she can drink their shakes as well.

Grounds for complaints: Advertising to children; violence; discrimination

Number of complaints: 45+

Determination: Complaints dismissed

9. Simon de Winter – Kayser bra

This television advertisement opens on an image of a naked blonde woman floating slowly against a black background with stars in the background. A red bra then appears to cover her breasts and she moves to show off the bra, with lights obscuring her pubic area.

Grounds for complaints: Portrayal of sex/sexuality/nudity

Number of complaints: 40+

Determination: Complaints dismissed

10. Meat & Livestock – Australia Day

This television advertisement has personality Sam Kekovich in an "address to the nation" in which he exhorts all Australians to serve lamb on Australia Day.

Grounds for complaints: Discrimination or vilification; language; portrayal of people

Number of complaints: 40+

Determination: Complaints dismissed

The Board's View Applying The Codes Of Practice

When considering complaints about advertising, the Advertising Standards Board is bound by section 2 of the *Advertiser Code of Ethics* (Section 2). This code determines what issues the Board can look at when considering complaints (see Appendix 1). These issues fall broadly into seven categories:

- Discrimination
- Violence
- · Portrayal of sex, sexuality and nudity
- · Use of language
- · Health and safety
- · Advertising to children
- · Motor vehicle advertising

The discrimination and vilification category attracted the highest number of complaints with sex, sexuality and nudity less than a per cent behind. These were followed by violence at 18 per cent. There is another grouping which captures "other" legitimate issues. The category of "other" issues attracted the fourth highest number of complaints in 2006 (14.69 per cent).

Issues Attracting Complaint

Discrimination or vilification

The percentage of complaints about the portrayal of people in a way which discriminates or vilifies fell slightly in 2006 (from 27.14 per cent to 23.25 per cent), although this category was the most-complained issue by the smallest of margins ahead of sex, sexuality and nudity (22.23 per cent).

This is a broad category which includes discrimination or vilification on the basis of race, ethnicity, nationality, sex, disability and age.

The most complained-about ad in this category for 2006 was the "Australia Day address to the nation" by Sam Kekovich for the Meat and Livestock Australia. Sam's plea to Australians to "serve lamb on Australia Day" was a satirical rant on what it means to be Australian but it triggered complaints about the alleged vilification of people based on ethnicity, gender, nationality, race, religion and sexual preference.

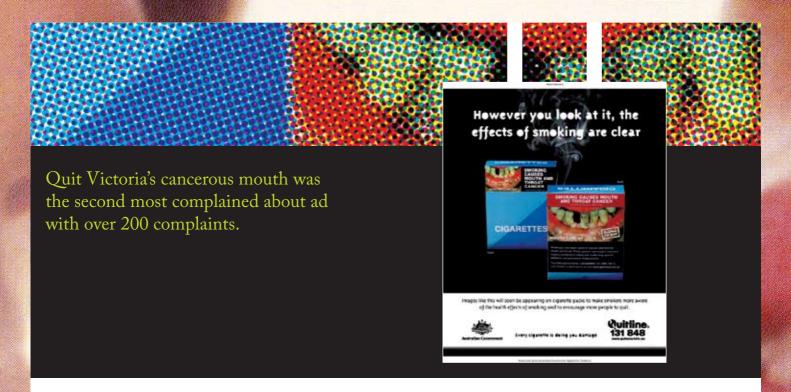
The Advertising Standards Board acknowledged the sensitivity of some of the issues raised by complainants but, in dismissing the complaints, determined that the ironic and humorous intent of the ad did not condone or incite vilification of any section of the community.

Sex, sexuality and nudity

The portrayal of sex, sexuality and nudity continues to be a dominant issue in complaints about advertising even though the figure for 2006 (22.23 per cent) was down slightly on 2005 (26.49 per cent).

The most prominent ad in this category was also the most complained-about ad for 2006. The Mentos Ice chewing gum prompted a large number of complaints, as well as considerable public debate, about the central male character's elongated nipples.

The Advertising Standards Board noted that the advertisement contained only upper-body nudity and that the appearance of the contrived, hyper-erect nipples on the man was a result of the cold 'temperature' of the product rather than sexual contact or sexual arousal. In this context, the Board also noted that the advertisement was intended to be humorous rather than sexually explicit by virtue of the unrealistic, over-exaggerated nature of the male character's extended nipples. The complaints were dismissed.



One advertisement which did not win the approval of the Board was a radio ad by the Advanced Medical Institute for its nasal delivery technology to help prevent premature ejaculation.

The ad was based on a series of very obvious double entendres and also referred to sex as 'special cuddles'.

The Board considered that because the ad was broadcast during all times of the day and night, the portrayal of sex and sexuality was inappropriate considering the audience might have included children. The use of the word cuddle was considered particularly attractive to children. The complaints were upheld and the ad was immediately withdrawn.

"Other" issues

"Other" issues received the fourth highest number of complaints (14.69 per cent) in 2006. This category includes cases in which complainants have raised concerns about causing alarm and distress (to children); environmental issues, the portrayal of people (occupation), and social values.

Although there is no specific category of 'other' in the code of ethics, the ASB considers it important that complaints are able to be considered by somebody. Advertisers are happy to provide relevant information to enable the complaints to be considered.

Interestingly, the number of complaints received in this category in 2006 is identical to the number of complaints received in the previous year.

One of the most complained-about ads for 2006, Schering's ad for Demazin (3rd – 150+ complaints) which used a depiction of a cartoon character, Mr Sniffles, with a dripping nose, fell into this category.

Two campaigns run by Meat and Livestock Australia (MLA) also were considered under "other issues". The Evolution advertisement featuring actor Sam Neill, which showed species through the ages relying on red

meat as part of their diet, was complained about because of an implied perception of cruelty to animals although the complaints were dismissed.

Health and safety

Complaints about health and safety issues in advertising rose slightly in 2006 (up from 6.46 per cent to 9.7 per cent).

One advertisement stood out in this category in terms of the number of complaints it received. Coca-Cola's 'Zero' ad which showed a young man leaning out of a moving bus then standing on top of it before being propelled into the ocean as the bus came to a grinding halt was the fifth most complained-about in Australia in 2006.

People complained about the danger and responsibility of depicting such antics on a moving bus and the Advertising Standards Board agreed. While acknowledging the advertiser's intention to create a fantasy situation, the Board found the depiction to be contrary to prevailing community standards on health and safety, in particular safe behaviour regarding the use of public transport or other vehicles.

Another ad which was considered to be in breach of the Advertiser Code of Ethics was by a tissue manufacturer, which used the depiction of two babies in a hospital maternity ward to depict an emotional scene for a father. The scene showed the babies wearing hats which health experts pointed out is against the sudden infant death syndrome guidelines for Australia. The multi-national advertiser stated the campaign had been developed overseas where the guidelines for SIDS are different but acknowledged the importance of acting responsibly on such an important issue and immediately withdrew the ad.

Violence

The percentage of complaints about violence issues in advertising remained largely static with 17.38 per cent in 2005 compared to 18 per cent in 2006.

Complaints about Quit Victoria's cancerous mouth (2nd - 200+ complaints) and gangrenous foot (7th - 45+ complaints) anti-smoking advertisements were dealt with under this section of the code.

One advertisement which the Board found was in breach of the code was by Vodafone. The print ad featured a car outside a building in the parking space allotted to "Sales Manager", vandalised with a baseball bat lying alongside, having broken windows and side mirrors, and bent windscreen wipers. Graffiti sprayed in blue paint reads "Why are you never at your desk when I call? Rot in hell! Signed, your client." A text box from Vodafone asks, "What's your landline really costing your business?".

While the advertisement clearly did not depict a violent act taking place, it nonetheless portrayed the results of a violent act of vandalism (using spray cans, rocks and a baseball bat), contrary to community standards and, indeed, against the law.

The Board considered the advertiser's response that the advertisement was intended to contain an element of humour, however, the Board agreed that the photograph portrayed violence that was not justifiable in the context of the service being offered, that it could be seen to condone violent behaviour, and that the intended humour was insufficient to justify the depiction of the violence/illegal act.

Another ad which attracted complaints under this category was by Nike in the lead-up to, and during, Australia's soccer World Cup campaign. An old man identified as "History" is shouting abuse from the grandstand as the team trains, reminding the Socceroos that "History" is against them. Socceroos Archie Thompson and Marco Bresciano acknowledge "History" in the stands, John Aloisi then passes the ball to Bresciano who smashes it at "History" and knocks him backwards off the stand.

The viewer hears "History" out of view saying "Oh, my head".

The Board considered the ad to be very humorous in tone and the exaggerated way Bresciano accurately kicked the ball at "History" from a long distance away diminished any possibility that it could be interpreted as a violent act. The complaints were dismissed.

Language

Complaints about the language used in advertising made up 7.55 per cent of all complaints in 2006, which was up from 4.36 per cent in the previous year.

The most complained-about ad in this category (and fourth highest in all categories for 2006) was the Inghams Chicken TV commercial which received more than 100 complaints. It showed a mother picking up her daughter from school and, once in the car, the daughter pokes her tongue out of the window and tells her mother that the person is a "bloody idiot". The mother looks horrified at the language and chastises her daughter for swearing, commenting: "Don't you dare use words like that. Where do you pick up such filth?"

The mother drives out from the curb and, in reaction to a car pulling out abruptly in front of them, winds down the window and abuses the other driver, using bleeped-out expletives and the term "bloody idiot" which she then realises her daughter has mimicked seconds before. The advertisement then depicts the family at the dinner table. The mother is serving a meal of Ingham's Chicken Kiev to the family. The father comments to his daughter that she has a "great mum", and the daughter responds with the words: "bloody oath". The mother and father look at each other in despair.

The Board considered that the words: "bloody idiot"; and "bloody oath" would not be seen by the broader community to be strong or obscene language. Rather, the Board considered that the word "bloody" is part of the Australian vernacular and is used colloquially.

The Board recognised that some people in the community would be offended by the use of the word "*bloody*" and by the use of that word by a child. The Board noted, however, that in this advertisement the child is seen to be chastised by her mother for using inappropriate language.

The Board further noted that the advertisement has been classified PG for broadcast on television and as such can contain some low level course language but, most relevantly, cannot be broadcast before 7.00pm.

Accordingly, the Board determined that the advertisement did not contain language that was inappropriate in the circumstances of the advertisement and of the time zone in which it would be broadcast and dismissed the complaints.

Collaboration and cooperation with industry

Federal Chamber of Automotive Industries

The Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Car Code) was instituted by FCAI as a means of industry self-regulation of motor vehicle advertising in Australia. The primary purpose of the Code is to provide guidance to advertisers in relation to appropriate standards for the portrayal of images, themes and messages relating to road safety.

The current version of the Code applies to all advertisements published or broadcast in Australia from 1 July 2004. It has been adopted after a review of the original Code which came into effect in August 2002. Background to the development of the FCAI Car Code can be found on the FCAI's website at www.fcai.com.au.

The ASB administers complaints under the FCAI Car Code by arrangement with FCAI. All complaints about car advertising under the FCAI Car Code are accepted by the ASB and are considered by the Advertising Standards Board.

Complaints about advertisements for cars will be considered under both the FCAI Code and the Code of Ethics. Under the Car Code, the Board considers matters such as the driving practices and safety of driving portrayed in the advertisement. Under the Code of Ethics, the Board considers whether a car advertisement uses sex, violence or other material in a manner that would be contrary to community standards.

The number of complaints that came within the FCAI Car Code decreased from 3.4 per cent in 2005 to 1.8 per cent in 2005. This drop in the number of complaints is a trend that has continued since the introduction of the amended code in July 2004 and reflects the automobile industry's increased awareness of responsibility and safety issues necessary in such advertising.

A total of 14 car advertisements where the complaint concerned a matter within the FCAI Car Code were considered in 2006. No complaints were upheld.

Car advertising itself received 8.4 per cent of complaints in 2005, down from 10.5 per cent in 2004. Most of these complaints concerned depictions of discrimination against women.

While a car advertisement for Nissan Tilda topped the list of most complained-about car advertisements in 2006 – attracting more than 32 complaints in relation to the use of sexual innuendo – these complaints were assessed under the provisions of the AANA Code of Ethics, rather than the FCAI Car Code. The Board dismissed the complaints on the basis that the use of language was likely to cause offence to the community.`

The second most complained-about car ad was for the Ford Territory Turbo. This TV advertisement featured a black 4WD that 'eats sports cars for breakfast'.

The Board analysed specific sections of the FCAI Code and their application to the advertisement. It noted that the advertisement creates a fantasy situation where a car is depicted 'eating' other cars and that there were few instances of driving depicted in the advertisement – with most being images of short duration suggesting that the Food Territory had just eaten another car. The Board considered that there were no depictions of unsafe driving in the advertisement (clause 2(a) of the FCAI Code) and that the depictions within the advertisement of the car being driven did not include any driving that would breach any law. The Board also noted that the depictions within the advertisement did not depict a person driving at excessive speeds (clause 2(b) of the FCAI Code) nor did it depict driving practices, within the definition of the FCAI Code that would breach a law (clause 2(c)). The Board determined that the advertisement did not breach the FCAI Code in any way.

The Board also considered whether the advertisement breached the AANA Advertiser Code of Ethics. The Board dismissed the complaints as the ad was clearly fantasy and did not depict unsafe driving.

Alcohol Beverages Complaints Management Scheme

Alcohol advertising is subject to two separate, complementary Codes:

- the AANA Advertiser Code of Ethics sets out general standards for all advertisers
- the Alcohol Beverages Advertising Code (ABAC) sets out additional standards for alcohol advertisers.

The Alcohol Beverages Advertising Code forms part of the ABAC Scheme for alcohol advertising which was introduced in 1998 and revised in 2004. More information on ABAC can be found on their website www.abac.org.au.

The ABAC Scheme is a co-regulatory scheme administered by a Management Committee which includes industry, advertising and government representatives.

The ASB works closely with the ABAC Scheme Management Committee to provide a 'one-stop shop' for consumer complaints.

When the ASB receives a complaint concerning alcohol a copy is promptly forwarded to the Chief Adjudicator of the ABAC Scheme. It is then dealt with independently under the separate complaint management processes for each Code.

Alcohol advertisements comprised 3.14 per cent of all complaints to the ASB in 2006 (down from 5.8 per cent in 2005).

The Advertising Standards Board considered 26 alcohol advertisements during the year. Complaints against two advertisements were Upheld – modified or discontinued.

The two most complained-about alcohol advertisements on issues covered by the AANA Code of Ethics were for Tooheys New Supercold and Hahn Premium Lite, both are Lion Nathan products.

In one advertisement men with a medieval catapult are seen sending hops, malt, barley and yeast up into the cloudy sky. Two women and a stag are also catapulted. Thunder is heard and it starts raining beer.

In the second advertisement a woman sits in a gondola wearing an evening dress sipping champagne. Her male companion reels in a fish and hits her in the face ruining her hair and dress. He is unaware of the outcome of his actions.

These advertisements received 30 complaints on the grounds of discrimination of woman, the complaints were dismissed.

An ad which did not receive Board approval was the Maxxium Galliano Stunt Guy. This featured a series of stunts with the question "what would you do to be a Galliano Stunt Guy?" The image of a young man forcing

himself to kiss an elderly lady was considered inappropriate by the Board and they upheld the complaints under section 2.1 of the Code – vilification of a section of the community based on age and gender.

Statistics for the ABAC Scheme are available in its 2006 Annual Report.

Australian Federation of Advertisers

More than 300 agency staff across five states participated in the AFA's Advertising Codes and Regulations workshops in September 2006. A joint initiative with the AANA, ASB and Free TV, these workshops addressed the need for agency staff to remain up to date with an increasingly complex regulatory environment.

The workshops, conducted under the AFA Accreditation program, were instrumental in helping agencies meet their compliance requirements. They covered the AANA Food and Beverages Advertising & Marketing Communications Code, the CTVI Code, AANA Advertising to Children Code, Motor Vehicles Code and the AANA Code of Ethics.

ASB working with researchers on advertising self regulation

A number of academic research papers were published during 2006 which examined the effectiveness of advertising self-regulation.

The most notable of these were the University of Wollongong study into the effectiveness of the alcohol self-regulation system and the Australia Institute's *Corporate Paedophilia* and *Letting Children be Children* reports.

Both organisations received considerable media coverage and their reports contained negative perceptions of the role of the ASB and advertising self regulation per se.

The ASB was able to work with both research groups to correct the misperceptions and to create a working relationship based on open communication and information sharing.

The University of Wollongong made a series of presentations to media agencies in June 2006 which contained assertions about the way in which the alcohol advertising system worked. The ASB worked with the researchers to ensure their find report contained only up-to-date information about ASB operations.

The Australia Institute produced a series of two papers which examined the role of advertising in the sexualisation of children. Their first report *Corporate Paedophilia* attacked the system of self-regulation and called for government intervention into the advertising industry. ASB met with the researchers and worked with them, allowing them to gain insight into the workings of self-regulation and how to correctly interpret ASB data on complaints about advertising. The second report contained a much fairer situation analysis of the ASB's role in advertising self-regulation.

Advertising Industry Self-regulation Funding

Self-regulation of the Australian advertising industry is funded by a levy paid by advertisers.

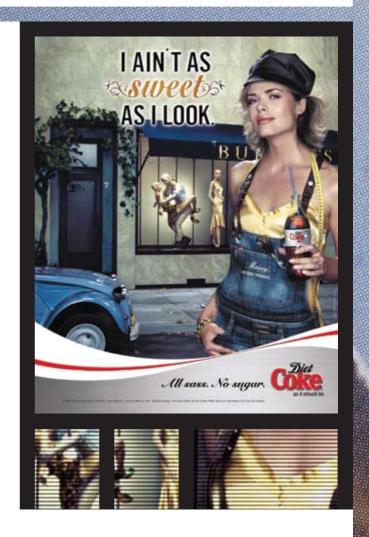
Responsible advertisers pay the levy to the ASB in recognition of the value self-regulation provides to the broader community, advertisers and their agencies. The amount of the levy is based on an advertiser's advertising spend and is set at 35 cents per \$1,000 (0.035 per cent) of gross media expenditure.

The levy is mainly collected through media buying agencies, as well as some advertisers and advertising agencies which buy their own media space.

The levy is remitted to the Australian Advertising Standards Council (AASC) as the funding body of advertising self-regulation. The AASC is a separate legal entity. Levy funds provided to the AASC can only be transferred to the ASB and used for purposes of the advertising self-regulation system.

The AASC was created by the AANA at the same time as the Advertising Standards Bureau. The independent nature of the AASC ensures commercial confidentiality in relation to the expenditure of individual advertisers on particular products and services, and provides for proper accountability for the monies applied to the operational and promotional activities of the ASB.

All monies collected by the voluntary levy system are applied exclusively to activities necessary to the maintenance of the self-regulation system, with management of the funds outsourced and accounts audited by separate firms of chartered accountants.



The Advertising Claims Board

The Advertising Claims Board is one of the ASB's two Boards. The ACB is a purpose-built alternative to expensive litigation. It is a system of alternative dispute resolution directed to addressing and resolving challenges to advertising that might otherwise lead to litigation.

The Claims Board considers complaints which breach Part 1 of the AANA Advertiser Code of Ethics. This includes complaints about:

- · the legality of an advertisement
- · misleading or deceptive advertisements
- advertisements which contain misrepresentations likely to harm your business
- · misleading country-of-origin claims.

The benefits of the Claims Board and its system of alternative dispute resolution are that:

- the process is concluded in a timely manner (the Claims Board must make a determination within 15 business days of the receipt of final submissions from the complainant and advertiser complained about)
- the process is less costly than litigation, with the only cost being fees for the members sitting on the Claims Board panel and legal and administration fees of the ASB
- the parties have the option of proceeding to usual dispute resolution procedures if desired.

Complaints received by the Claims Board are considered by a panel of qualified legal advisors. A panel consists of a minimum of three practitioners nominated by the ASB from its Register of Legal Practitioners. The practitioners on this register have certified to the ASB that they have experience and expertise in the area of advertising and/or trade practices law and that they hold a current practicing certificate. They must also certify that they have no conflict of interest in the particular matter.

During 2006 the Claims Board considered two matters.

SCA Hygiene v Kimberly-Clark Australia

The Advertisement complained about was for Sorbent toilet tissue. The Complainant argued that the words 'it's still Australia's favourite' contravenes section 1 of the Code of Ethics specifically that the advertisement is misleading or deceptive and does not comply with Australian law.

The Claims Board was unanimously of the view that the claim 'still Australia's favourite' contravenes section 1.1 and 1.2 of the Code of Ethics on the grounds that the claim is misleading or deceptive, or is likely to mislead or deceive in contravention of section 52 of the TPA.

The Claims Board did not agree that the term 'Still Australia's favourite' is mere puffery. The Claims Board considered that the term is a specific representation which should be capable of objective substantiation either by qualitative or quantitative research. The accuracy of the claim could be measured by qualitative research or quantitative research. On the basis of evidence the Claims Board decided that 'while Sorbent might have been Australia's favourite' during the period from 1999 to 2004, the same cannot be said of 2005 and the period during 2006 for which market share information has been provided. A claim that sorbent is 'Still Australia's favourite' must be accurate at the time the advertisement is or was broadcast.

The Claims Board decided that the advertisement did not contain a misrepresentation likely to cause damage to the business or goodwill of the Complainant as the advertisement does not focus on 'Still Australia's favourite' and it occupies only 1-2 seconds of the Advertisement.

Of interest:

- A procedural matter was also decided during this case. The Claims
 Board determined that, although Kimberly-Clark modified the
 advertisement as soon as the application was made to the Claims
 Board, the Claims Board still had jurisdiction to hear the complaint.
- Quantitative market share data provided as part of the hearing is kept confidential and is not part of the published case report.

McNeill Nutritionals vs Johnson & Johnson Pty Limited

This complaint concerned an advertisement about a product known as SPLENDA. The advertisement claims that the product is 'It's made from sugar so it tastes like sugar without the calories.'

The Complainant alleged that the Advertisement contravenes section 1.2 of the Code of Ethics in that the advertisement is likely to mislead or deceive and that as a result of the advertisement consumers would believe SPLENDA is sugar.

The Claims Board decided that the advertisement is not misleading or deceptive or likely to mislead or deceive consumers to the extent that consumers are likely to conclude that SPLENDA is actually sugar.

The Claims Board decided that the advertisement is not misleading or deceptive or likely to mislead or deceive consumers to the extent that consumers are likely to conclude that SPLENDA is a natural product like sugar.

The Claims Board was of the view that the percentages of sucralose (the element of the product that is manufactured from sugar) is unlikely to be considered to be a significant proportion of the products by reasonable members of the public viewing the advertisement (between 1% (powder) – 7% (tablets)). On this basis the Claims Board determined that the advertisement is likely to mislead or deceive viewers of the advertisement as they are likely to conclude that a significant proportion of the SPLENDA products are comprised of a modified form of sugar or of material derived from sugar when in fact modified sugar or sugar derivatives comprise a small percentage of each SPLENDA product.

Both advertisers agreed to discontinue use of the relevant statements in their advertising, with Kimberly-Clark amending their advertisement immediately the complaint was received by the Claims Board.

Usage of the Claims Board by industry is quite low. Since 1999 there have been only eight cases considered by the Board. The cost of the Claims Board process is relatively inexpensive compared with litigation — a ballpark cost of a claims Board matter is in the vicinity of \$12,000. Claims Board matters are also faster to resolve that litigation — with the average matter taking about eight weeks from receipt of complaint to determination of the Board. Although more cost effective and more timely than litigation, it is likely that companies prefer to deal with significant anti-competitive behaviour by injunction and more urgent relief than the Claims Board can provide.

Despite the relatively low use of the Claims Board, the Bureau will continue to work to raise the profile of the Claims Board and ensure that advertisers are aware that this unique form of alternative dispute resolution is available.



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Advertising Standards Bureau Board Of Directors

The Advertising Standards Bureau is a limited company headed by a Board of Directors. Under the Constitution of the Advertising Standards Board, there must be between three and six directors of the company that is the Advertising Standards Bureau (the ASB).

The Board of Directors is responsible for management of the business of the ASB consistent with the objectives of the ASB (see page ii).

The Bureau Board is responsible, with the CEO, for the corporate governance of the Advertising Standards Bureau. With strategic, financial and operational concerns within its purview, it is focussed on positioning ASB to become the foremost complaints resolution body for advertising in Australia.

The Bureau Board has the integrity of the advertising self-regulation system at-heart. It insists on absolute separation between the work of the Bureau Board and that of the Advertising Standards Board.

Board of Directors

Ian Alwill

Chairman, ASB

Director - Group Marketing & Communication, Nestle Australia

Leigh Clapham

Director, ASB

Vice-President Australasia, MasterCard International

Michael Duncan

Director, ASB

Agency Client Director, Nova 106.9 Radio

Hayden Hills

Director, ASB

Senior Manager, Transactions, Banking and Redesign Services, Insurance Australia Group

John Sintras

Director, ASB

President, Media Federation of Australia CEO, Starcom Worldwide Australia

Meetings

Meetings of the Board of Directors during 2006 were held on six occasions.

BOARD MEMBER	POSITION	NUMBER OF MEETINGS ATTENDED
Ian Alwill	Chairman	4
Leigh Clapham	Director	2
Michael Duncan	Director	3
Hayden Hills	Director	4
John Sintras	Director	5

AANA Advertiser Code of Ethics

This Code has been adopted by the AANA to be applied as a means of advertising self regulation in Australia and is intended to be applied to "advertisements" as defined in this Code.

The object of this Code is to ensure that advertisements are legal, decent, honest and truthful and that they have been prepared with a sense of obligation to the consumer and society and fair sense of responsibility to competitors.

In this Code, the term "advertisement" shall mean matter which is published or broadcast, in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct.

Section 1

- I.I Advertisements shall comply with Commonwealth law and the law of the relevant State or Territory.
- 1.2 Advertisements shall not be misleading or deceptive or be likely to mislead or deceive.
- 1.3 Advertisements shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.
- 1.4 Advertisements shall not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.
- 1.5 Advertisements shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.

Section 2

- 2.1 Advertisements shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.
- 2.2 Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised.
- 2.3 Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.
- 2.4 Advertisements which, having regard to the theme, visuals and language used, are directed primarily to children aged 14 years or younger and are for goods, services and facilities which are targeted toward and have principal appeal to children, shall comply with the AANA's Code of Advertising to Children and section 2.6 of this Code shall not apply to advertisements to which AANA's Code of Advertising to Children applies.
- 2.5 Advertisements shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.
- 2.6 Advertisements shall not depict material contrary to prevailing community standards on health and safety.
- 2.7 Advertisements for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles and section 2.6 of this Code shall not apply to advertisements to which the Federal Chamber of Automotive Industries Code of Practice applies.
- 2.8 Advertisements for food and beverage products shall comply with the AANA Food & Beverages Marketing Communications Code as well as to the provisions of this Advertiser Code of Ethics.

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Advertising Standards Board Complaints Process

Receipt of complaints

The Advertising Standards Board ('the Board') will normally only accept written complaints – by post or facsimile or via the online complaints form on the ASB website.

All complaints received are promptly assessed as to their appropriateness for submission to the Board for determination. The secretariat replies to all complainants informing them of the status of their complaint.

If the information provided in the letter of complaint is insufficient (in particular, if it fails to adequately identify the advertiser, product and/or nature of complaint) then more information sought from the complainant.

Complaints are not forwarded to the Board if they concern:

- Matter previously considered however all complaints are referred to the advertiser for its consideration
- Matter that does not constitute an advertisement for the purposes of the Code.
- · Questions of law or questions of truth and accuracy.
- · Complaints involving trivial issues.
- · Complaints about public advocacy issues.
- · Local advertising.
- Advertising that is the subject of litigation or an order by a court or government agency.
- Complaints about unlawful business practices.
- · Advertising that has been withdrawn or discontinued before challenge.
- Complaints about highly technical issues.
- Complaints about label directions or basic performance of products and services not related to advertising claims.
- Issues covered by a specific industry code, such as:
 - slimming/weight management products and services;
 - therapeutic goods;
 - alcohol beverages;

except in the case of motor vehicles.

An anonymous complaint is not sufficient to initiate a formal complaint. It can however be included as part of a complaint that has already been raised or is subsequently raised. To facilitate this, anonymous complaints are kept on file.

Initiating complaints

A single written complaint is sufficient to initiate a formal complaint.

Advising Advertiser of complaints

Once a complaint has been accepted by the Secretariat – the advertiser is notified about the complaint, provided with a copy of the complaint and is requested to provide a written response and copies of the relevant advertising material within sufficient time to allow the complaint to be dealt with at the next meeting of the Board.

If an advertiser fails to provide a response to the complaint within the specified period or any extension thereof, the Board may consider the complaint and the advertisement in question without the advertiser response.

Complaint resolution

The Board meets on a monthly basis to consider complaints received. The Board also meets between meetings, usually by teleconference, if the Secretariat considers that a matter should be considered as a matter of urgency.

The position of Chair is rotated among Board members on a meeting by meeting basis. The role of Chair each meeting is generally set at the beginning of each year but can be varied to accommodate changes in individual schedules.

Board members must disclose any personal interest in a matter that is the subject of a complaint. The member concerned must withdraw from contributing to the debate and decision and/or case report approval in relation to those complaints.

If a Board member's duties to another Board or organisation require that they breach their duty of loyalty or confidentiality to the Board for a period of time, then the member must disclose this position to the Board.

A general conflict with the Board would require that the member withdraw from their duties to the Standards Board during the period that the conflict continues.

The Board reaches its decision by way of simple majority. In the event of a tied vote, the Chair has a casting vote.

In relation to individual complaints, Board members will consider:

- the complaint(s) received;
- all relevant advertisements submitted by the advertiser;
- the advertiser's response;
- · section 2 of the Advertiser Code of Ethics; and
- any other relevant supporting materials and/or other representations or submissions.

In the event that the advertiser fails to respond within the specified time, the Board may proceed to consider the complaint, provided it is satisfied that the advertiser has been given a reasonable opportunity to respond, and provided that a copy of the advertisement is available.

The Board considers complaints in light of Section 2 (of the Advertiser Code of Ethics) as a whole and accordingly may apply any part of Section 2 in reaching a determination. It is not limited, in its considerations, to issues raised by the complaint.

If the Standards Board is unable to reach a decision until it is in possession of additional information it can defer its determination until a future date.

Decisions the Board can make

Determination – complaint upheld

A complaint is upheld if the Board determines there is a breach of Section 2 of the Code.

 $Determination-Complaint\ dismissed$

A complaint is dismissed if the Board determines there is no breach of Section 2 of the Code.

Notifying advertisers and complainants of the Outcome of the Board's decision

Following determination, the Secretariat endeavours to finalise complaints as speedily as is practicable with a view to notifying parties of outcome as soon as possible. This usually occurs between eight (8) to ten (10) business days of the Board decision.

Following the Board's determination, a draft case report is promptly prepared by the Secretariat and submitted to the Chair for approval.

Following receipt of Chair approval, the Secretariat notifies the advertiser of outcome and sends the advertiser a copy of the draft case report. The advertiser is requested to advise the Board whether it agrees to modify or discontinue the advertisement ('Advertiser Statement') within (5) five business days of the covering letter advising of outcome and enclosing the draft case report. The advertiser is also advised of the opportunity to include an 'Advertiser's Statement' in the case report.

If an advertisement is found to breach Section 2 of the Code and the advertiser does not respond to the opportunity to modify or discontinue the advertisement within the allowed time frame, the Board will:

- If appropriate, refer the case report to the appropriate government agency;
- Include the advertiser's failure to respond in the case report;
- · Forward the case report to media proprietors; and
- · Post the case report on the Bureau's website.

Publish case report

Within ten (10) business days of the Board's decision, all finalised case reports are made publicly available.

No review

Having already considered and determined a particular complaint or advertisement, the Board will not reconsider it, except prior to the publication of a final case report in the very limited circumstances set out below.

In other than exceptional circumstances as determined by the Chairman or Chief Executive Officer of the Bureau, a determination of the Board shall not be re-determined in relation to the same or substantially similar advertisement until the expiration of five (5) years from the date of the original determination.

AANA Code for Advertising to Children

This Code has been adopted by the AANA as part of advertising self-regulation. The object of this Code is to ensure that advertisers develop and maintain a high sense of social responsibility in advertising to children in Australia.

Definitions

In this Code, the following definitions apply:

- (a) Advertisement: means matter which is published or broadcast other than via Internet, direct mail, point of sale, packaging or direct distribution to individuals, in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct.
- (b) Product: means goods, services and facilities which are targeted toward and have principal appeal to Children.
- (c) Advertisements to Children: means Advertisements which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product.
- (d) Children: means children 14 years old or younger.
- (e) Premium: means anything offered free or at a reduced price and which is conditional upon the purchase of a regular Product.

Code of Practice

2.1 Factual Presentation

- 2.I.I Advertisements to Children:
- (a) must not mislead or deceive Children;
- (b) must not be ambiguous; and

- (c) must fairly represent, in a manner that is clearly understood by Children:
 - (i) the advertised Product;
 - (ii) any features which are described or depicted in the Advertisement; and
 - (iii) the need for any accessory parts.

2.2 Safety

- 2.2.1 Advertisements to Children:
- (a) must not portray images or events which depict unsafe uses of a Product or unsafe situations which may encourage Children to engage in dangerous activities; and
- (b) must not advertise Products which have been officially declared unsafe or dangerous by an authorised Australian government authority.

2.3 Social Values

- 2.3.1 Advertisements to Children:
- (a) must not portray images or events in a way that is unduly frightening or distressing to Children; and
- (b) must not demean any person or group on the basis of ethnicity, nationality, race, gender, age, sexual preference, religion or mental or physical disability.

2.4 Parental Authority

- 2.4.1 Advertisements to Children:
- (a) must not undermine the authority, responsibility or judgment of parents or carers;
- (b) must not state or imply that a Product makes Children who own or enjoy it superior to their peers; and
- (c) must not state or imply that persons who buy an advertised Product are more generous than those who do not.

2.5 Price

2.5.1 Prices, if mentioned in Advertisements to Children, must be accurately presented in a way which can be clearly understood by Children and not minimised by words such as "only" or "just".

2.6 Qualifying Statements

2.6.1 Any disclaimers, qualifiers or asterisked or footnoted information used in Advertisements to Children must be conspicuously displayed and clearly explained to Children.

2.7 Competitions

- 2.7.1 Competitions which appear in Advertisements to Children must:
- (a) contain a summary of the basic rules for the competition;
- (b) clearly include the closing date for entries; and
- (c) make any statements about the chance of winning clear, fair and accurate.

2.8 Premiums

- 2.8.1 Advertisements to Children which include or refer to a Premium:
- (a) should not create a false or misleading impression in the minds of Children about the nature or content of the Product;
- (b) should not create a false or misleading impression in the minds of Children that the product advertised is the Premium rather than the Product; and
- (c) must make the terms of the offer clear as well as any conditions or limitations.

2.9 Alcohol

2.9.1 Advertisements to Children must not be for, or relate in any way to, alcoholic drinks or draw any association with companies that supply alcoholic drinks.

2.10 Food and Beverages

- 2.10.1 Advertisements to Children for food and/or beverages:
- (a) should not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits; and
- (b) must not contain any misleading or incorrect information about the nutritional value of that Product.

2.11 AANA Advertiser Code of Ethics

2.II.I Advertisements to Children must comply with the AANA Advertiser Code of Ethics.

AANA Food & Beverages Advertising & Marketing Communications Code

1. Definitions and Interpretation

- I.I In this Code, unless the context otherwise requires:
- "Advertising and/or Marketing Communication" means matter which is published or broadcast using any Medium in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it, to a product, service, person, organisation, or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct but does not include Excluded Advertising and/or Marketing Communications.
- "Advertising Standards Board" means the board appointed by the Advertising Standards Bureau from time to time to administer a public complaints system in relation to Advertising and/or Marketing Communications.
- "Average Consumer" means a regular adult family shopper able to compare products by label-listed definition.
- "Children" means persons being 14 years old or younger.
- "Excluded Advertising and/or Marketing Communications" means labels or packaging for products.
- "Food and/or Beverage Products" means any food and/or beverage products other than alcoholic beverages as defined in and subject to regulation by the Alcohol Beverages Advertising Code.
- "Medium" means any medium including cinema, internet, outdoor media, print, radio, television or other direct-to-consumer media.
- "Prevailing Community Standards" means the community standards determined by the Advertising Standards Board as those prevailing at the relevant time in relation to the advertising and/or marketing of Food and/or Beverage Products taking into account, at a minimum, the requirements of the Australia New Zealand Food Standards Code, the Australian Dietary Guidelines as defined by the National Health & Medical Research Council and the National Physical Activity Guidelines as published by the Federal Government of Australia.

1.2 In interpreting this Code, any and all practice or explanatory notes published by AANA from time to time will be taken into account as part of this Code.

2. All Advertising And/or Marketing Communications

- 2.1 Advertising and/or Marketing Communications for Food and/or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising and/or Marketing Communication with an accurate presentation of all information including any references to nutritional values and/or health benefits.
- 2.2 Advertising and/or Marketing Communications for Food and/or Beverage Products shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Standards.
- 2.3 Advertising and/or Marketing Communications for Food and/or Beverage Products that include what an Average Consumer, acting reasonably, might interpret as health or nutrition claims shall be supportable by appropriate scientific evidence meeting the requirements of the Australia New Zealand Food Standards Code.
- 2.4 Advertising and/or Marketing Communications for Food and/or Beverage Products which include nutritional or health-related comparisons shall be presented in a non-misleading and non-deceptive manner clearly understandable by an Average Consumer.
- 2.5 Advertising and/or Marketing Communications for Food and/or Beverage Products shall not make reference to consumer taste or preference tests in any way that might imply statistical validity if there is none, nor otherwise use scientific terms to falsely ascribe validity to advertising claims.
- 2.6 Advertising and/or or Marketing Communications for Food and/or Beverage Products including claims relating to material characteristics

such as taste, size, content, nutrition and health benefits, shall be specific to the promoted product/s and accurate in all such representations.

- 2.7 Advertising and/or Marketing Communications for Food and/or Beverage Products appearing within segments of media devoted to general and sports news and/or current affairs, shall not use associated sporting, news and/or current affairs personalities, live or animated, as part of such Advertising and/or Marketing Communications without clearly distinguishing between commercial promotion and editorial or other program content.
- 2.8 Advertising and/or Marketing Communications for Food and/or Beverage Products not intended or suitable as substitutes for meals shall not portray them as such.
- 2.9 Advertising and/or Marketing Communications for Food and/or Beverage Products must comply with the AANA Advertiser Code of Ethics and the AANA Code for Advertising to Children.

3: Advertising and Children

- 3.1 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall be particularly designed and delivered in a manner to be understood by those Children, and shall not be misleading or deceptive or seek to mislead or deceive in relation to any nutritional or health claims, nor employ ambiguity or a misleading or deceptive sense of urgency, nor feature practices such as price minimisation inappropriate to the age of the intended audience.
- 3.2 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not improperly exploit Childrens' imagination in ways which might reasonably be regarded as being based upon an intent to encourage those Children to consume what would be considered, acting reasonably, as excessive quantities of the product/s.
- 3.3 Advertising and/or Marketing Communications directed towards Children for any Food and/or Beverage Product shall not state nor imply that possession or use of a particular product will afford physical, social or psychological advantage over other Children, or that non-possession of the product would have the opposite effect.

- 3.4 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not aim to undermine parents and/or other adults responsible for a child's welfare in their role of guiding diet and lifestyle choices.
- 3.5 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not include any appeal to Children to urge parents and/or other adults responsible for a child's welfare to buy particular products for them.
- 3.6 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not use popular personalities or celebrities (live or animated) to advertise or market products, premiums or services in a manner that obscures the distinction between commercial promotions and program or editorial content.
- 3.7 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products or services shall not feature ingredients or premiums that are not an integral element of the product/s or service/s being offered.

This Code has been drafted in accord with the view of the International Chamber of Commerce that it is in the best interests of communities to avoid excessive regulation in the field of advertising and commercial communications that would hinder free trade and affect economic growth and development.

The intent is to provide a level of industry regulation that ensures that advertising and marketing communications of food and beverage products remains within the bounds of prevailing community standards consistent with the ICC advocacy of responsible advertising under accepted codes of business practice in preference to advertising bans and other restrictions on commercial communications which the international agency has identified as acting to distort free trade.

Federal Chamber of Automotive Industries

Voluntary Code Of Practice For Motor Vehicle Advertising

Explanatory Notes

Context

The Voluntary Code of Practice for Motor Vehicle Advertising (the Code) has been instituted by the Federal Chamber of Automotive Industries (FCAI) as a means of industry self-regulation of motor vehicle advertising in Australia. The primary purpose of the Code is to provide guidance to advertisers in relation to appropriate standards for the portrayal of images, themes and messages relating to road safety.

Vehicle occupant protection and road safety are primary concerns for the automotive industry in the design and operation of all motor vehicles supplied to the Australian market. FCAI endorses the National Road Safety Strategy and acknowledges the importance of increased road safety awareness in the Australian community and fully supports the efforts of all relevant Commonwealth, State and Territory authorities to secure this outcome.

Date of Commencement

This revised version of the Code is to be applied to all advertisements forxmotor vehicles published or broadcast in Australia from 1 July 2004.

Scope and Coverage of the Code

The Code is to be applied to all forms and mediums for advertising of motor vehicles in Australia. This includes television, radio, print media, cinema, billboards and Australian domain internet websites.

Guidance to Advertisers

The FCAI supports a responsible approach to advertising for motor vehicles. FCAI asks advertisers to be mindful of the importance of road safety and to ensure that advertising for motor vehicles does not contradict road safety messages or undermine efforts to achieve improved road safety outcomes in Australia.

Advertisers should ensure that advertisements do not depict, encourage or condone dangerous, illegal, aggressive or reckless driving. Moreover, advertisers need to be mindful that excessive speed is a major cause of death and injury in road crashes and accordingly should avoid explicitly or implicitly drawing attention to the acceleration or speed capabilities of a vehicle.

FCAI acknowledges that advertisers may make legitimate use of fantasy, humour and self-evident exaggeration in creative ways in advertising for motor vehicles. However, such devices should not be used in any way to contradict, circumvent or undermine the provisions of the Code.

In particular, it is noted that use of disclaimers indicating that a particular scene or advertisement was produced under controlled conditions; using expert drivers; that viewers should not attempt to emulate the driving depicted; or expressed in other similar terms, should be avoided. Such disclaimers cannot in any way be used to justify the inclusion of material which otherwise does not comply with the provisions of the Code.

Advertisers should avoid references to the speed or acceleration capabilities of a motor vehicle (for example, "o-roo km/h in 6.5 seconds"). Other factual references to the capabilities of the motor vehicle (for example, cylinder capacity, kilowatt power of the engine, or maximum torque generated) are acceptable, provided that they are presented in a manner that is consistent with the provisions of the Code.

The Code contains a specific clause (clause 3) relating to the use of motor sport, simulated motor sport and similar vehicle testing or proving activities in advertising. It is acknowledged that motor sport plays a crucial role in brand promotion and the development and testing of crucial technologies, many of which result in safer vehicles.

Accordingly the Code seeks to ensure that advertisers can continue to legitimately make use of motor sport in advertising, provided that care is taken to ensure that depictions of speed, racing and other forms of competitive driving are clearly identified as taking place in this context. FCAI urges also advertisers to avoid any suggestion that depictions of such vehicles participating in motor sport, or undertaking other forms of competitive driving are in any way associated with normal on-road use of motor vehicles.

In addition, it is noted that the Code contains a clause (clause 4) relating to the depiction of off-road vehicles which have been designed with special features for off road operation. This clause provides some limited flexibility allowing advertisers to legitimately demonstrate the capabilities and performance of such vehicles in an off-road context. In so doing however, care should be taken to ensure that all

other provisions and the underlying objectives of the Code are still adhered to. In particular, advertisers should be mindful to ensure that advertisements for such vehicles do not involve the depiction of 'excessive' or 'unsafe' speed. Equally, advertisers should avoid portrayal of images of off-road driving which could otherwise be construed as being unsafe.

In interpreting and applying the Code, FCAI asks that advertisers take into account both the explicit and implicit messages that are conveyed by an advertisement. Advertisers should make every effort to ensure that advertisements not only comply with the formal provisions of the Code but are also consistent with the objectives and guidelines expressed in these Explanatory Notes which accompany the Code.

Compliance and Administration

Assessment of compliance with the Code is to be administered by the Advertising Standards Board (ASB). The ASB will review all public complaints made against advertisements for motor vehicles under the terms of the Code.

In administering the Code, the ASB is to give relevant advertisers the opportunity to present such evidence as they deem appropriate in defence of an advertisement under review, prior to making any determination in relation to its consistency, or otherwise, with the provisions of the Code.

The ASB will ensure that all complaints are considered in a timely fashion. As a general rule the panel should finalise its determination within one calendar month of a complaint having been received. Where necessary the ASB may be required to meet more frequently to ensure the timely consideration of complaints.

The ASB will arrange prompt publication of the reasons for all decisions on its website. An annual report on the outcomes of the complaint process will be compiled and published.

Companies may also seek an opinion, from the ASB, on whether the content of a planned advertisement meets the Code, prior to finalisation and release of the advertisement.

FCAI and ASB will work to increase public awareness of the Code and the complaints process.

Consultation

In developing the Code, FCAI has undertaken an extensive process of consultation with a wide range of stakeholders, including representatives of the following:

(a) The Federal Government and its agencies (including the Australian Transport Safety Bureau);

- (b) Relevant State and Territory Government authorities;
- (c) The National Road Safety Strategy Panel (which comprises representatives of police services, road safety authorities, motoring organisations and industry groups);
- (d) The Australian Automobile Association;
- (e) The Australian Association of National Advertisers; and
- (f) The Advertising Standards Bureau Limited.

Review of the Code

FCAI will undertake a review of the current version of the Code, (in consultation with all parties listed above) commencing in December 2005. The process of this review should be completed by end-March 2006.

Code of Practice for Motor Vehicle Advertising I. Definitions

In this Code, the following definitions apply:

- (a) Advertisement: means matter which is published or broadcast in all of Australia, or in a substantial section of Australia, for payment or other valuable consideration and which draws the attention of the public, or a segment of it, to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct.
- (b) Off-road vehicle: means a passenger vehicle having up to 9 seating positions including that of the driver having been designed with special features for off-road operation, consistent with the requirements of the definition for such a vehicle as provided in the Australian Design Rules (MC category). An off-road vehicle will normally have 4 wheel drive.
- (c) Motor sport: means racing, rallying, or other competitive activities involving motor vehicles of a type for which a permit would normally be available under the National Competition Rules of the Confederation of Australian Motor Sport, or other recognised organising body.
- (d) Motor vehicle: means passenger vehicle; motorcycle; light commercial vehicle and off-road vehicle.
- (e) Road: means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.

(f) Road-related area: means an area that divides a road; a footpath or nature strip adjacent to a road; an area that is not a road and is open to the public and designated for use by cyclists or animals; an area that is not a road and that is open to or used by the public for driving, riding or parking motor vehicles.

2. General Provisions

Advertisers should ensure that advertisements for motor vehicles do not portray any of the following:

- (a) Unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.
 - [Examples: Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle; deliberately and unnecessarily setting motor vehicles on a collision course; or the apparent and deliberate loss of control of a moving motor vehicle.]
- (b) People driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast.
- (c) Driving practices or other actions which would, if they were to take place on a road or road-related area, breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast directly dealing with road safety or traffic regulation.

[Examples: Illegal use of hand-held mobile phones or not wearing seatbelts in a moving motor vehicle. Motorcyclists or their passengers not wearing an approved safety helmet, while the motorcycle is in motion.]

- (d) People driving while being apparently fatigued, or under the influence of drugs or alcohol to the extent that such driving practices breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing directly with road safety or traffic regulation.
- (e) Deliberate and significant environmental damage, particularly in advertising for off-road vehicles.

3. Use of Motor Sport in Advertising

Without limiting the general application of clause 2, advertisers may make use of scenes of motor sport; simulated motor sport; and vehicle-testing or proving in advertising, subject to the following:

- (a) Such scenes should be clearly identifiable as part of an organised motor sport activity, or testing or proving activity, of a type for which a permit would normally be available in Australia.
- (b) Any racing or competing vehicles depicted in motor sport scenes should be in clearly identifiable racing livery.

4. Depiction of Off-road Vehicles

An advertisement may legitimately depict the capabilities and performance of an off-road vehicle travelling over loose or unsealed surfaces, or uneven terrain, not forming part of a road or road related area. Such advertisements should not portray unsafe driving and vehicles must not travel at a speed which would contravene the laws of the State or Territory in which the advertisement is published or broadcast, were such driving to occur on a road or road related area.

Alcohol Beverages Advertising Code

Preamble

Australian Associated Brewers Inc, the Distilled Spirits Industry Council of Australia Inc, the Winemakers Federation of Australia and the Liquor Merchants Association of Australia Ltd are committed to the goal of all advertisements for alcohol beverages, other than point of sale material, produced for publication or broadcast in Australia complying with the spirit and intent of this Code.

The Code is designed to ensure that alcohol advertising will be conducted in a manner which neither conflicts with nor detracts from the need for responsibility and moderation in liquor merchandising and consumption, and which does not encourage consumption by underage persons.

The conformity of an advertisement with this Code is to be assessed in terms of its probable impact upon a reasonable person within the class of persons to whom the advertisement is directed and other persons to whom the advertisement may be communicated, and taking its content as a whole.

Definitions

For the purpose of this Code:

"adult" means a person who is at least 18 years of age;

"alcohol beverage" includes any particular brand of alcohol beverage;

"adolescent" means a person aged 14-17 years inclusive;

"Australian Alcohol Guidelines" means the electronic document 'Guidelines for everyone (1-3)' published by the National Health & Medical Research Council (NHMRC) as at 1st January 2004.

"child" means a person under 14 years of age; and

"low alcohol beverage" means an alcohol beverage which contains less than 3.8% alcohol/volume.

Advertisements for alcohol beverages must:

- (a) present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly –
 - (i) must not encourage excessive consumption or abuse of alcohol;
 - (ii) must not encourage under-age drinking;
 - (iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages;
 - (iv) must only depict the responsible and moderate consumption of alcohol beverages;
- (b) not have a strong or evident appeal to children or adolescents and, accordingly –
 - (i) adults appearing in advertisements must be over 25 years of age and be clearly depicted as adults;
 - (ii) children and adolescents may only appear in advertisements in natural situations (eg family barbecue, licensed family restaurant) and where there is no implication that the depicted children and adolescents will consume or serve alcohol beverages; and
 - (iii) adults under the age of 25 years may only appear as part of a natural crowd or background scene;
- (c) not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment and, accordingly –
 - (i) must not depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;
 - (ii) if alcohol beverages are depicted as part of a celebration, must not imply or suggest that the beverage was a cause of or contributed to success or achievement; and
 - (iii) must not suggest that the consumption of alcohol beverages offers any therapeutic benefit or is a necessary aid to relaxation;
- (d) not depict any direct association between the consumption of alcohol beverages, other than low alcohol beverages, and the operation of a motor vehicle, boat or aircraft or the engagement in any sport (including swimming and water sports) or potentially hazardous activity and, accordingly –

- (i) any depiction of the consumption of alcohol beverages in connection with the above activities must not be represented as having taken place before or during engagement of the activity in question and must in all cases portray safe practices; and
- (ii) any claim concerning safe consumption of low alcohol beverages must be demonstrably accurate;
- (e) not challenge or dare people to drink or sample a particular alcohol
 beverage, other than low alcohol beverages, and must not contain
 any inducement to prefer an alcohol beverage because of its higher
 alcohol content; and
- (f) comply with the Advertiser Code of Ethics adopted by the Australian Association of National Advertisers.
- (g) not encourage consumption that is in excess of, or inconsistent with the Australian Alcohol Guidelines issued by the NHMRC.

Internet advertisements

The required standard for advertisements outlined in (a) to (g) above applies to internet sites primarily intended for advertising developed by or for producers or importers of alcohol products available in Australia or that are reasonably expected to be made available in Australia, and to banner advertising of such products on third party sites.

Retail Advertisements

Advertisements which contain the name of a retailer or retailers offering alcohol beverages for sale, contain information about the price or prices at which those beverages are offered for sale, and which contain no other material relating to or concerning the attributes or virtues of alcohol beverages except –

- (i) the brand name or names of alcohol beverages offered for sale;
- (ii) the type and/or style of the alcohol beverages offered for sale;
- (iii) a photographic or other reproduction of any container or containers (or part thereof, including any label) in which the alcohol beverages offered for sale are packaged;
- (iv) the location and/or times at which the alcohol beverages are offered for sale; and
- (v) such other matter as is reasonably necessary to enable potential purchasers to identify the retailer or retailers on whose behalf the advertisement is published, must comply with the spirit and intent of the Code but are not subject to any process of prior clearance.

Promotion of alcohol at events

Alcohol beverage companies play a valuable role in supporting many community events and activities. It is acknowledged that they have the right to promote their products at events together with the right to promote their association with events and event participation.

However, combined with these rights comes a range of responsibilities. Alcohol beverage companies do not seek to promote their products at events which are designed to clearly target people under the legal drinking age.

This protocol commits participating alcohol beverage companies to endeavour to ensure that:

- All promotional advertising in support of events does not clearly target underage persons and as such is consistent with the ABAC standard; and
- Alcohol beverages served at such events are served in keeping with guidelines, and where applicable legal requirements, for responsible serving of alcohol (which
- · preclude the serving of alcohol to underage persons); and
- Promotional staff at events do not promote consumption patterns that are inconsistent with responsible consumption, as defined in the NHMRC Guidelines; and
- Promotional staff do not misstate the nature or alcohol content of a product; and
- · Promotional staff at events are of legal drinking age; and
- Promotional materials distributed at events do not clearly target underage persons; and
- Promotional materials given away at or in association with events do not connect the consumption of alcohol with the achievement of sexual success; and
- Promotional materials given away at or in association with events do not link the consumption of alcohol with sporting, financial, professional or personal success; and
- Promotional materials given away at events do not encourage consumption patterns that are inconsistent with responsible consumption, as defined in the NHMRC Guidelines; and
- A condition of entry into giveaways promoted by alcohol companies
 at or in association with events is that participants must be over the
 legal drinking age; and prizes given away in promotions associated
 with alcohol beverage companies will only be awarded to winners
 who are over the legal drinking age.

Third Parties

At many events alcohol companies limit their promotional commitments to specified activities. This protocol only applies to such conduct, activities or materials associated with events that are also associated with alcohol beverage companies.

Alcohol beverage companies will use every reasonable endeavour to ensure that where other parties control and/or undertake events, including activities surrounding those events, they comply with this protocol. However non-compliance by third parties will not place alcohol beverage companies in breach of this protocol.

Public Education

This protocol does not apply to or seek to restrict alcohol beverage companies from being associated with conduct, activity or materials that educate the public, including underage persons, about the consequences of alcohol consumption and the possible consequences of excessive or underage consumption.

The Complaint Management System

All complaints about advertising are channelled through the **Advertising Standards Board**, which provides a single point of contact for consumers.

If the complaint is about an advertisement for an alcohol beverage, a copy of it is referred immediately to the Chief Adjudicator of the ABAC Complaints Panel. The Chief Adjudicator must refer the compla laints referred to the Complaints Adjudication Panel will be assessed to ensure unbiased interpretation of the Code and independent adjudication on complaints about alcohol beverages advertising.

To ensure consistent and effective decision-making, a panel of three members will be available to consider complaints. One member of the panel will be a health expert appointed in consultation with government.

Consistent with the expectations of the broader community, all panel members represent broad, mainstream values. They are independent of the alcohol industry and do not represent any particular interest group.

Reporting the Panel's decisions

The Chief Adjudicator of the ABAC Complaints Adjudication Panel will preside over the complaints adjudication process and will advise the Advertising Standards Board, the Advertiser and the ABAC Management committee in writing of the outcome of

the Panel's decisions. The Advertising Standards Board will then advise the complainant of the outcome of their complaint.

At the end of each year, the ABAC Management Committee will publish a report on the ABAC scheme for that year. It will be circulated to relevant State and Federal Ministers and Departments and to appropriate advertising and media industry bodies, including the Advertising Standards Bureau. The report will also be available to the public through ABAC members' websites.

Alcohol Advertising Pre-vetting System (AAPS)

Underpinning the ABAC is the Alcohol Advertising Pre-vetting System (AAPS) which is also managed by the Australian Associated Brewers (AAB), the Distilled Spirits Industry Council of Australian (DSICA), and the Winemakers Federation of Australia (WFA) for their members.

The primary function of AAPS is to re-inforce the effectiveness of the ABAC Code, by utilising independent adjudicators to evaluate advertisements for alcohol beverages against the Code at the concept or story-board stage.

AAPS has proven to be an effective self-regulatory filter applied before an advertisement goes into final production and is broadcast or published.

How to make a complaint about an alcohol advertisement:

If you wish to complain about an advertisement for an alcohol beverage product, you should make your complaint in writing and send it to:

The Advertising Standards Board

Level 2, 97 Northbourne Avenue TURNER ACT 2612 Fax: (02) 6262 9833

Online: www.adstandards.com.au