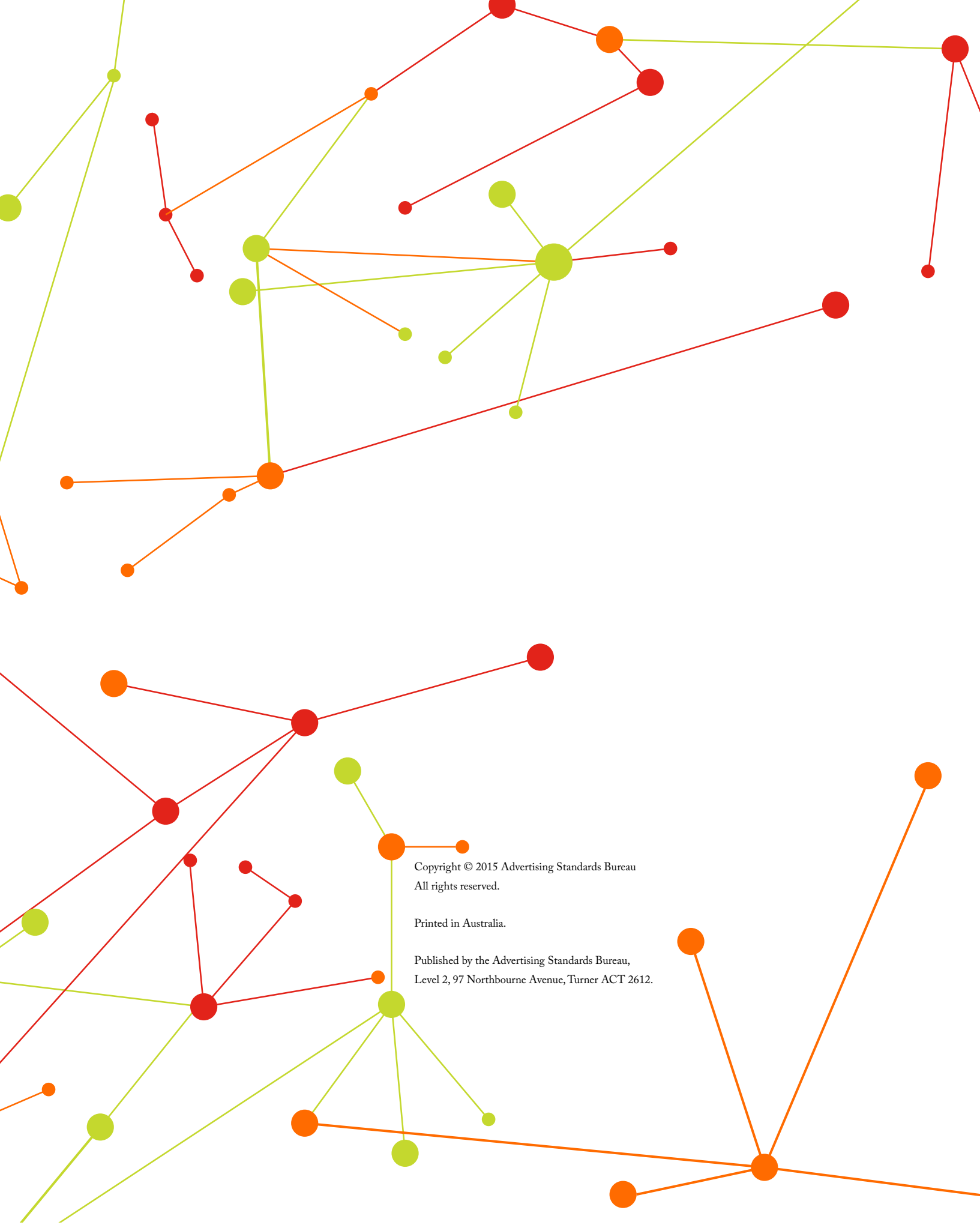




ADVERTISING
STANDARDS
BUREAU

REVIEW OF OPERATIONS 2014

40 YEARS OF ADVERTISING SELF-REGULATION



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40 years of independent complaints handling in Australia

In 1974 an Advertising Standards Council (ASC) was established by the Media Council of Australia (representing the media), the Advertising Federation of Australia (representing the agencies) and the Australian Association of National Advertisers (representing the advertisers). The ASC was set up as a strictly independent and autonomous complaint handling body for the advertising industry, effectively putting in place a self-regulatory system.

The procedure for complaint handling by the ASC resembled the system currently applied by the Advertising Standards Bureau. The complaint procedure included four steps beginning with a complaint screening process, moving through to seeking responses from advertisers, then to complaints consideration at a monthly meeting of the ASC, and finally to advertisers removing offending advertisements with case reports published quarterly.

The ASC made its determinations based on a Code and if advertisements were found to offend, advertisers were forced to withdraw these advertisements or face expulsion from the Media Council of Australia (MCA).

This initial system, while laying the foundation for the future system, was hindered by its funding structure which affected not only the autonomy of the

ASC, but also the ability to increase awareness of the system within the industry or the public.

In 1996, after the Australian Competition and Consumer Commission (ACCC) revoked the MCA's accreditation system for advertising agencies, the self-regulatory system had no means of enforcing its decisions. That year the ACCC also announced a review of advertising standards and of the complaint handling body, finding indications of a lack of compliance with rulings, lack of administrative control and lack of confidence and commitment to the Codes. These issues combined, led to the collapse of the initial self-regulatory system.

In 1997, the Australian Association of National Advertisers (AANA) established a new system which was up and running by 1998.

The current system uses a similar complaint handling process, but now advertisers voluntarily comply with the system, with complaints considered by a Board made up of community members who have no affiliation with the advertising industry or with consumer interest groups.

This system has yielded an impressive 99.5 per cent average compliance rate during its 16 year history and has received Government endorsement of its effectiveness and responsiveness to community standards.

Who we are - 2014

The Advertising Standards Bureau (ASB) administers Australia's national system of self-regulation in relation to both public and competitor complaints.

This is achieved through the independent complaints resolution processes of the Advertising Standards Board and the Advertising Claims Board respectively.

ASB was established, in 1998, for the purposes of:

- establishing and monitoring a self-regulatory system to regulate advertising standards in Australia
- promoting confidence in, and respect for, the general standards of advertising on the part of the community and the legislators
- explaining the role of advertising in a free enterprise system
- running other regulatory systems as contracted from time to time.

In 2014 the ASB administered the following codes of practice:

- AANA Code of Ethics
- AANA Code for Advertising and Marketing Communications to Children
- AANA Food and Beverages Advertising and Marketing Communications Code
- AANA Environmental Claims in Advertising and Marketing Code
- Federal Chamber of Automotive Industries (FCAI) Voluntary Code of Practice for Motor Vehicle Advertising
- Australian Food and Grocery Council Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry
- Australian Food and Grocery Council Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children

The ASB also works with the Alcohol Beverages Advertising Code (ABAC) management scheme, and accepts, and forwards to the ABAC administrator all complaints about alcohol advertisements in order to provide a seamless complaint lodgement system for consumers.

Public complaints about particular advertisements in relation to the issues below are considered cost-free to the community by the Advertising Standards Board:

- health and safety
- use of language
- use of sexual appeal in a manner that is exploitative and degrading
- discriminatory portrayal of people
- concern for children
- portrayal of violence, sex, sexuality and nudity
- advertising to children
- environmental claims in advertising
- advertising of food and beverages
- advertising of motor vehicles.

An Independent Review process continues to provide the community and advertisers a channel through which they can appeal decisions made by the Advertising Standards Board.

Competitor claims between advertisers in relation to truth, accuracy and legality of particular advertisements are considered on a user-pays basis by the Advertising Claims Board.

Strategic intent

Our purpose

We exist so that the community, industry and government have confidence in, and respect the advertising self-regulatory system and are assured that the general standards of advertising are in line with community values.

Our values

- Transparency in decision making.
- Accountability to advertisers and the community.
- Responsive to complaints.
- Independent decision making.

Our vision

The Advertising Standards Bureau (ASB) is the foremost authority in Australia for adjudication of complaints about advertising and marketing communications.



The Advertising Standards Board

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

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 Claims Board

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



AANA

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

AFGC

The Australian Food and Grocery Council is responsible for the Responsible Children's Marketing Initiative of the Food and Beverage Industry and the Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children. Complaints for both initiatives are administered by the ASB.

ABAC

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

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.



Funding of self-regulation

Who funds the self-regulation system?

Responsible advertisers assist in maintaining the self-regulation system's viability and support its administration by agreeing to a levy being applied to their advertising spend. At the establishment of the advertising self-regulation system in Australia, the levy was set at 0.035 per cent, just \$350 per \$1m of gross media expenditure. The levy rate remained unchanged between 1997 and 2013 despite a significant increase in the number of codes, complaints, cases and media touch points.

Following on from a review in 2013 the ASB sought and received key industry stakeholder support for an increase of the levy rate. On 1 April 2014 the self-regulation levy was set at 0.05 per cent (\$500 per \$1m of media spend).

Funding of the Advertising Standards Bureau (ASB) and its secretariat support of the Advertising Standards Board and Advertising Claims Board is provided through the voluntary levy - the ASB receives no government funding. The levy is paid to and administered by the Australian Advertising Standards Council (AASC).

How levy is collected

The levy is collected mainly through media buying agencies but also directly from advertisers that buy their own media space.

The levy is remitted quarterly through the Australian Advertising Standards Council (AASC), the funding body of advertising self-regulation. The AASC holds the industry funds in an account which is drawn upon to pay the costs involved in administering and operating the self-regulation system.

Management of the funds is outsourced, with the financial accounts prepared by chartered accountants and audited independently.

What the levy is used for

All levy monies are applied exclusively to the maintenance of the self-regulation system and are used to finance activities such as:

- general ASB administration and operation of the self-regulation system
- recruitment of Advertising Standards Board members, and attendance of Board members from diverse geographical backgrounds at regular meetings
- Advertising Standards Bureau meetings and teleconferences with industry, consumers and government as appropriate throughout the year
- research to assist Advertising Standards Board members and the community to understand self-regulation and specific Code related issues, including research into community standards and levels of awareness of the ASB
- ASB contribution to Code reviews.

Confidentiality of levy collected

The amount of levy collected from individual advertisers is kept confidential from the Board and Directors of both the ASB and the AASC. This ensures appropriate commercial confidentiality about the expenditures of individual advertisers.

Snapshot

2014 complaint snapshot

Number of complaints received	5735
Number of complaints made about matters within ASB jurisdiction	2309
Number of complaints made about matters outside ASB jurisdiction	1197
Number of complaints about ads previously considered by the Board	2047
Number of complaints about ads already withdrawn	56
Number of complaints assessed as consistently dismissed complaints	174
Number of complaints unassessed at year end	8

2014 breach or not snapshot

Number of ads the Board found consistent with Code and Initiatives	453
Number of complaints about ads that did not breach Code or Initiatives	3981
Number of ads the Board found breached a Code or Initiatives	62
Number of complaints about ads that were found to breach the Code	202

2014 ad snapshot

Number of ads complained about	566
Number of cases created but not put forward for consideration by the Board for variety of reasons	21
Number of ads withdrawn by advertiser before consideration by Board	30
Number of ads which were not modified or discontinued after a complaint was upheld	21*

(19 Wicked Campers, 2 others)

* For a more detailed discussion about compliance with Board determinations see the ACHIEVEMENTS SECTION - Our key result areas - Beneficiaries/Stakeholders - Self-regulation system has effective compliance outcomes.

Most complained

about ads in 2014

1

0307/14 Ashley Madison - Avid Life

TV ad featuring married men singing 'I'm looking for someone other than my wife'.

Board decision Dismissed.

Number of complaints 481

6

0201/14 Ultra Tune Australia

TV ad featuring two women wearing rubber visiting a tyre store.

Board decision Dismissed.

Number of complaints 181

7

0281/14 My Plates

TV ad featuring a man picking his nose and wiping it on a car door, his finger is pixelated.

Board decision Dismissed.

Number of complaints 180

8

0438/14 Coalition for the Protection of Racehorses

Billboard pictures a horse lying on its side and the words 'Is the party really worth it?'

Board decision Dismissed.

Number of complaints 152

9

0087/14 Johnson & Johnson Pacific Pty Ltd

TV ad highlighting different embarrassing menstrual experiences.

Board decision Dismissed.

Number of complaints 146

10

0014/14 Meat and Livestock Australia

TV ad featuring Sam Kekovich promoting the consumption of lamb on Australia Day.

Board decision Dismissed.

Number of complaints 80

0277/14 My Plates

TV ad featuring a man repeatedly passing wind in a car.

Board decision Dismissed.

Number of complaints 250

0178/14 Menulog

TV ad featuring a Da Vinci character painting The Last Supper.

Board decision Dismissed.

Number of complaints 228

0276/14 My Plates

TV ad featuring a man picking his nose and wiping it on a car door.

Board decision Dismissed.

Number of complaints 206

0069/14 Johnson & Johnson Pacific Pty Ltd

TV ad highlighting embarrassing menstrual experiences.

Board decision Dismissed.

Number of complaints 185



Executive reports

Chairman's report

CEO's report

Advertising Standards Bureau Board of Directors



Chairman's report

The many parts of the advertising industry working together to ensure the success of the self-regulation system was demonstrated in our work over 2013-2014 to secure the ongoing financial security of this system.

As always the support of industry through cooperation and payment of levy continues to be a vital component to the effective administration and continued improvement of the advertising self-regulation system as a whole. In April 2014, the levy was increased to .05% (\$500 per \$1m of media buying), which is the first increase since the current system of self-regulation was set up in 1998. The successful implementation of this increase occurred due to the assistance and support from the Australian Association of National Advertisers and the Media Federation of Australia.

Another priority for 2014 was building public awareness in the Australian community of the Advertising Standards Bureau and the accessibility and independence of its complaints process, and the Advertising Standards Board and its members. With grateful assistance of Flicks Australia a new television advertisement was developed. This advertisement was well received in the community thanks also to the support of our television partners who broadcast the

advertisement at no cost to the ASB. In addition our communications and interaction with the community continue to increase with successful although modest use of social media. While not directly linked to the television campaign, the highest ever number of complaints received by ASB in 2014 does demonstrate increased awareness and use of the self-regulation system.

The ASB continues to work with international partners to on advancing the role of self-regulation bodies in advertising. To this end we were delighted to receive news of the APEC Leaders Declaration supporting an 'Action Agenda on Advertising Standards and Practice Development to promote alignment of advertising standards' throughout the Asia-Pacific region.

Grateful thanks to the small team at the ASB who demonstrated their ability to meet challenges after managing the highest ever number of complaints during 2014. The myriad of roles taken on by the ASB involves work with community, industry, government and international bodies, as well as management of a world-class complaints management system.

The Advertising Standards Board also has my continued appreciation and respect. Their work has been exemplary and, as always, difficult. It was a pleasure to welcome six new members to the Board, and an honour to thank and farewell other long-serving Board members who retired in 2014.

Thank you also to the ASB's Independent

Reviewers Ms Victoria Rubensohn AM and Dr Dennis Pearce AO. Although only a small number of review applications were considered during 2014, this can in part be attributed to the feedback provided by Independent Reviewers and the consequential improvement in the robustness of Board decisions.

I also want to express my appreciation to the Bureau Board of Directors who voluntarily and willingly offer their time to assist with corporate and strategic matters. Their diligence and skills combine to ensure the ASB meets its objectives.

Ian Alwill



CEO's report

As a forward-looking organisation with a view that self-regulation is of benefit to all—the community, business, government, the region—our achievements in 2014 were extremely satisfying.

Although the ASB itself has existed only since 1998, we were excited that we have made a valuable and world-class contribution to 40 years of advertising self-regulation in Australia. Our aim is to continue our pursuit of an advertising self-regulatory system that exceeds best practice and meets the needs of all of the Australian community.

In meeting the community needs, I am proud of the small team at the Bureau who kept pace with the highest ever number of complaints from the community. Our ongoing work in refining processes and adapting to changing media and advertising environments has proven worthwhile. Rejuvenation of the Advertising Standards Board is a key way of ensuring Board decisions meet community standards and during 2014, I was very pleased also to welcome six new Board members, who have quickly taken on the mantle of ensuring community standards are maintained. On the other hand it was sad to farewell Board members who have made extraordinary contributions.

Our continued work with the broader advertising industry aims to ensure Australian businesses and the advertising services that support them are

all aware of their role in Australia's advertising self-regulation system. In 2014 we were pleased to deliver across five capital cities a range of training and education material to meet the need of the advertising community. Going forward our commitment is to expand training and information materials to assist the SME sector apply community standards to its advertising.

We also continued our conversation with government organisations and officials about the role and benefit of an independent complaints handling system. While the Australian government is currently committed to reduction of less regulation and an increase of appropriate self-regulation, our federal structure requires us to work with nine governments to ensure advertising self-regulation remains top of mind in considering regulatory responses to issues.

Our work to develop regional self-regulation organisations was also successful in 2014. The APEC advertising standards forum and mentoring workshop held as part of the APEC's SOM3 meeting in Beijing on 8-9 August was successful in bringing participants from 16 APEC Economies together to discuss advertising standards and systems. Our efforts in this project over the past three years has meant we have developed important relationships among APEC economies to support the growth of advertising self-regulation in the region – and in turn improve our own practice and the profile of Australian self-regulation. With the APEC Leaders Declaration supporting an 'Action Agenda on Advertising Standards and Practice Development

to promote alignment of advertising standards' throughout the Asia-Pacific region, my team and I look forward to future work with our regional partners to benefit Australian industry, and the communities in APEC economies.

Finally and most significantly thanks must be given to Australian businesses: financial and operational support of the advertising system is essential to the success of the self-regulation system but is also essential to demonstrating industry commitment to appropriate advertising and to ensuring the community standards are respected.

I want to thank all our international, regional and industry partners who support ASB in all areas of our work. Our aim is to maintain a high level of activity in providing a world-class system.

Fiona Jolly



Advertising Standards Bureau

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 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, the Board works to continually improve the operation of the ASB in its role as the 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.

At 31 December 2014, the Board of Directors included six directors and one alternate director.

Ms Simone Carton, a member of ASB staff, is the Company Secretary.

Board of Directors

Ian Alwill

Chairman, ASB
Principal, Alwill Associates

Hayden Hills

Director, ASB
Senior Manager, Advisory, Ernst & Young

Victoria Marles

Director, ASB
Chief Executive Officer – Trust for Nature, Victoria

John McLaren

Director, ASB
Managing Director, Black Sheep Advertising

John Sintras

Director, ASB
Chairman, Starcom Media Vest Group Australia

Simon Talbot

Director, ASB
Chief Executive Officer, National Farmers' Federation

Rebecca Boustead, for Mr Talbot

Alternate Director, ASB
Director Corporate Relations and Regulatory Affairs, Kellogg (Aust) Pty Ltd

Meetings

The Board of Directors met six times during 2014.

Board member	Position	Number of meetings attended	Appointed
Ian Alwill	Chairman	5/6	December 2004
Hayden Hills	Director	4/6	December 2004
John McLaren	Director	5/6	March 2009
Victoria Marles	Director	4/6	November 2011
John Sintras	Director	1/6	December 2005
Simon Talbot	Director	2/6	October 2013

Achievements

Our strategic plan

Our key result areas

Achievements in 2014

Our strategic plan

The Board of Directors of the Advertising Standards Bureau, along with the CEO, govern the strategic direction of the Bureau. Through its strategic, financial and operational dealings, the Board aims to position the ASB as the foremost complaints resolution body for advertising in Australia.

Our strategic plan covers four key result areas:

- Financial
- Beneficiaries/Stakeholders
- Internal business processes
- Long term development.

Our key result areas

Financial

The ASB is financially viable and sustainable

The increase in the number of codes, complaints, cases and media types falling under the remit of the ASB during the past 15 years resulted in industry endorsement of an increase in the levy applied to advertising spend. The increase from 0.035 per cent to 0.05 per cent came into force on 1 April 2014. Prior to this increase the levy rate had remained unchanged since 1997.

The levy is primarily by media buyers and remitted directly to the administering body the Australian Advertising Standards Council (AASC), which in turn provides funding to cover the operating costs of the ASB.

The ASB acknowledges the assistance of the Australian Association of National Advertisers, the Media Federation of Australia, the Communications Council and individual companies for supporting and assisting the ASB in the process to review the levy framework.

Work continued in 2014 in promoting the benefits of the advertising self-regulation system and encouraging advertisers to maintain the support of the system through payment of the levy. Work to gain levy support from some of Australia's larger advertisers also continued in 2014.

With more money being spent in-house by industry on diverse advertising and marketing communications, a current focus at the ASB is assessment of the most suitable, long-term approach to ensure equitable contributions from industry. The goal of the approach selected will be to maintain adequate funding levels to ensure

the independent complaints handling system continues to be world class.

Revenues are in line with media expenditure

The financial administration and control of the Advertising Standards Bureau is overseen by an independent internationally recognised accounting firm (BDO) with accounts audited by an independent national audit firm (Grant Thornton). The audit report for the financial year 2013-14 reconfirmed that the financial management of the ASB was in accordance with current laws and accounting standards.

The overall level of financial support provided by advertisers was slightly above the level of the previous year, reflecting the introduction of the increased levy rate. During the year ongoing monitoring was conducted to determine if there had been a variance in advertiser financial support due to rate increase. To date there was no evidence that support has decreased.

As well as striving to increase levy income, the ASB has maintained a firm control of expenditure to ensure that financial administration is prudent and effective.

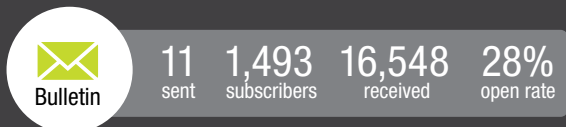
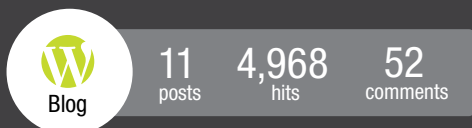
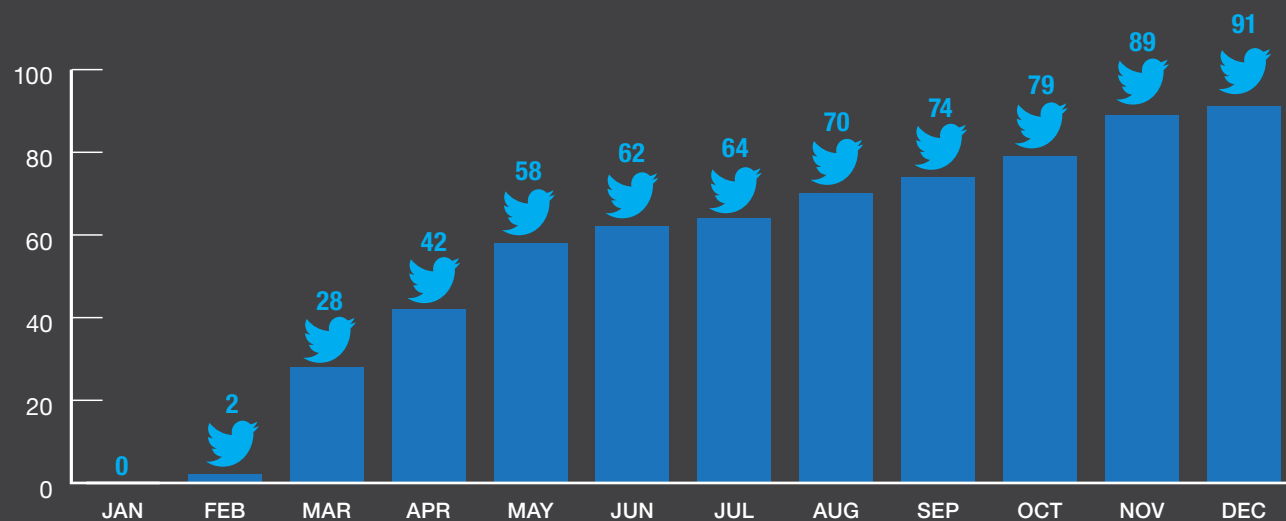
Beneficiaries/Stakeholders

The ASB is valued by the community as a reputable, credible, trustworthy service

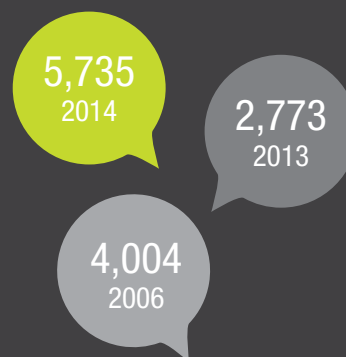
Community endorsement of the service provided by the ASB was highlighted in survey responses by consumers during 2014.

As with previous years, during 2014 the ASB continued to invite complainant and advertiser feedback about the advertising complaint

2014 Twitter followers



Total number of complaints by year



Complaints vs cases 2014

Year	Complaints	Cases
2005	2956	391
2006	4044	529
2007	2602	446
2008	3596	549
2009	3796	595
2010	3526	520
2011	3416	514
2012	3640	508
2013	2,773	442
2014	5,735	545

adjudication process. The survey seeks opinions about the overall complaint adjudication process, the standard of correspondence received, the timeliness of the process, and the explanation of the Board's decision in the final case report.

Results from those responding to the survey continue to indicate that people whose complaint was upheld (advertisement found to breach the Code) were more highly satisfied with the system and processes followed than those whose complaints were dismissed.

Feedback from complainants indicated a broad range of concerns around matters such as the limited scope of the advertiser Codes, that decisions of the Board do not reflect community standards and that all specific concerns raised by all complainants are not addressed in final case reports.

Recruitment of new Board members occurred during 2014. A public recruitment and interview process was conducted, with a high calibre field making it possible to appoint a group of people representative of the diversity of the Australian community.

The number of community members subscribing to ASB information services such as the bulletin and Twitter feed continues to grow, with interaction with the ASB blog also highlighting community attitudes about issues relating to advertising in general and about ASB operations.

Work on a project to redevelop the ASB website began in the latter part of 2014. The project includes aspects which will provide users with better accessibility options, improved site search function, mobile compatibility, access to an RSS feed and integrated social media. The project will continue in 2015.

The increase in complaint numbers and number of advertisements complained about between 2013 (442) and 2014, is partly attributable to the success of a new ASB awareness campaign, *People like you*, launched on television in early March 2014. In addition to raising awareness of the role and composition of the Advertising Standards Board, the awareness campaign highlighted how easy it is to lodge a complaint online.

"The reasoning behind your decision was explained thoroughly. Though I feel it was not a fair and thorough judgement."

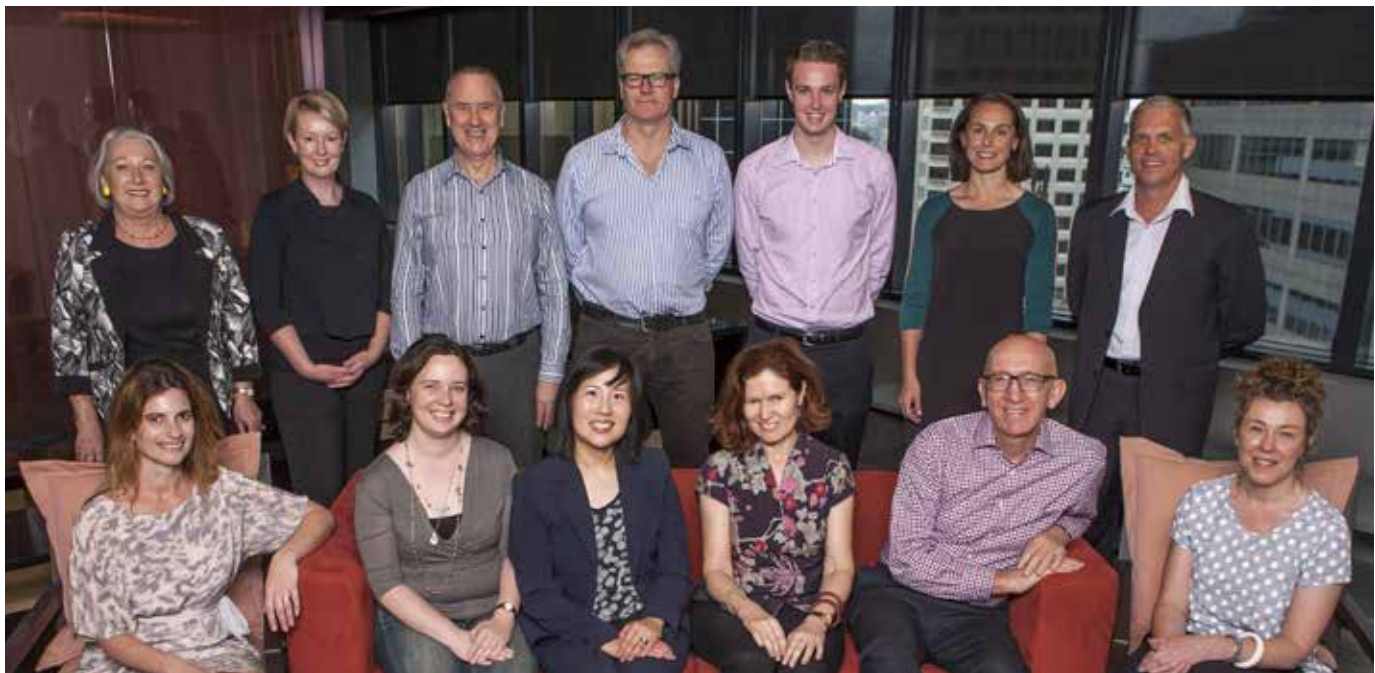
Female aged 19-29
Complaint Dismissed

"I wasn't aware that this would be addressed in such depth. This is truly fantastic that the ASB has put together a great summary of the issues at hand and action was taken! Brilliant!"

Male aged 19-29
Complaint Upheld

"I felt that the reasons for dismissal of my complaint were lame and unjustified. My complaint was about an advertisement that was seen as highly offensive by myself and my immediate family."

Male 40-54,
Complaint Dismissed



New and continuing members of the Advertising Standards Board.

Self-regulation system has effective compliance outcomes

Advertisers across Australia continue to take a responsible approach and are willing to adhere to community standards. In 2014 the compliance rate fell to 95.9 per cent, the lowest recorded compliance rate since the establishment of the ASB. However, of the 21 cases recorded as Upheld-Not modified or discontinued in 2014 19 related to the one advertiser. If this advertiser was not included in the statistics the compliance rate would rise to 99.6 per cent, consistent with previous years.

These 19 advertising and marketing communications were for a Queensland based campervan hire company. This company publicly announced in July 2014, it would remove slogans which the community found offensive and would change its modus operandi to ensure offensive slogans did not continue to appear on its vans.

Overall, statistics show that the majority of non-compliance cases are small and medium size businesses with local and own premises signage. Expansion of ASB jurisdiction to cover this form of advertising and marketing communication has presented challenges, but most advertisers act responsibly and comply with Board determinations.

Where an advertiser does not comply with the Board's decision the ASB has sought assistance from industry bodies and Federal, State, and Local Government authorities. In 2014, Facebook agreed to take the approach that Facebook pages need to comply with determinations of the Standards Board. Facebook will review all complaints that the ASB refers to them in relation to content that is posted on Facebook for compliance with their policies. In the very few cases where an advertiser does not comply voluntarily with a determination by the Standards Board, Facebook has agreed it will remove an advertising or marketing communication in line with its advertising guidelines.

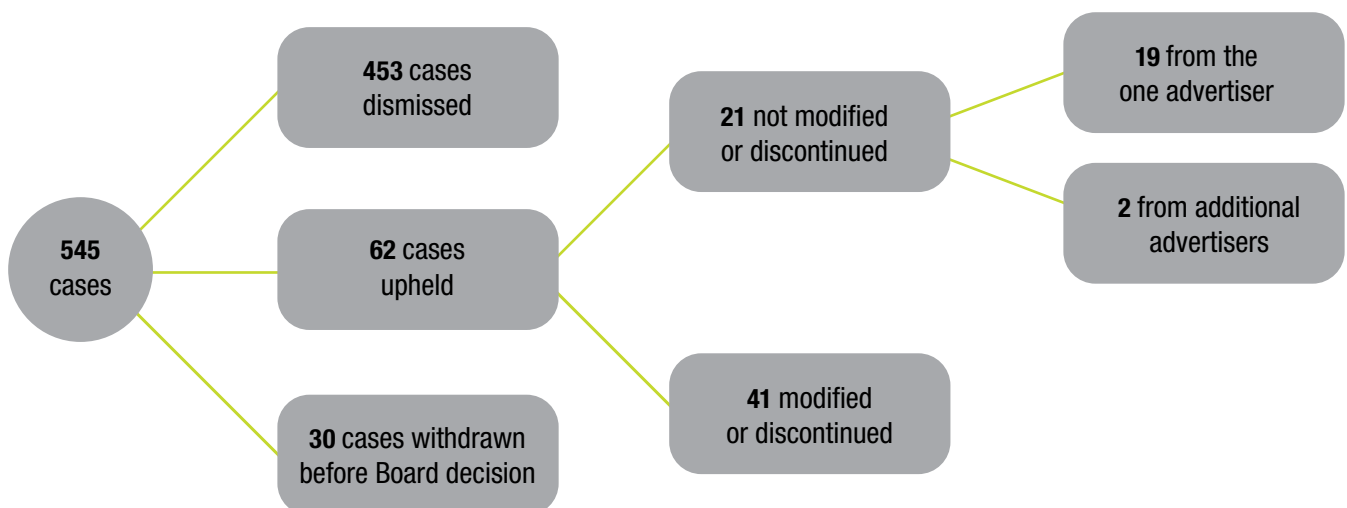
The ASB will continue its work to achieve 100 per cent compliance with all Board determinations.

Shareholder recognises value provided by the ASB

The ASB updates its sole member (AANA), about a range of issues at shareholder meetings with the AANA Board. In 2014 the CEO updated the Board on key issues relating to the adjudication component of the self-regulatory system, such as implementation of the industry-wide increase to the rate of self-regulation levy, and recruitment of new members to the Advertising Standards Board.

The AANA continues its support of the ASB Board of Directors. A Director and an alternate director AANA appointees continued on the Board of Directors in 2014. The AANA representation on the Board contributes to improved awareness and understanding by the AANA of the ASB's environment.

The ASB participated in quarterly Advertising Media Marketing Industry Forum meetings chaired by AANA. Issues covered included government regulatory liaison topics such as Code of Practice reviews by ACMA, Privacy Act reviews, and the Classification Review. This forum includes representatives from all key industry organisations.





Industry stakeholders understand, support and endorse the ASB

Industry support in producing and airing a new public awareness campaign *People like you* demonstrates support of the services and operations of the ASB. The campaign was created with industry support and received good coverage on television networks around Australia. The advertisement featured a number of members of the Board and aimed to show that Board members are *People like you*. The advertisement highlighted that all complaints will be given a fair hearing by the Board, which is made up of diverse community members.

The *People like you* campaign was also supported by news media in coverage of regional and state statistics provided through a media release campaign.

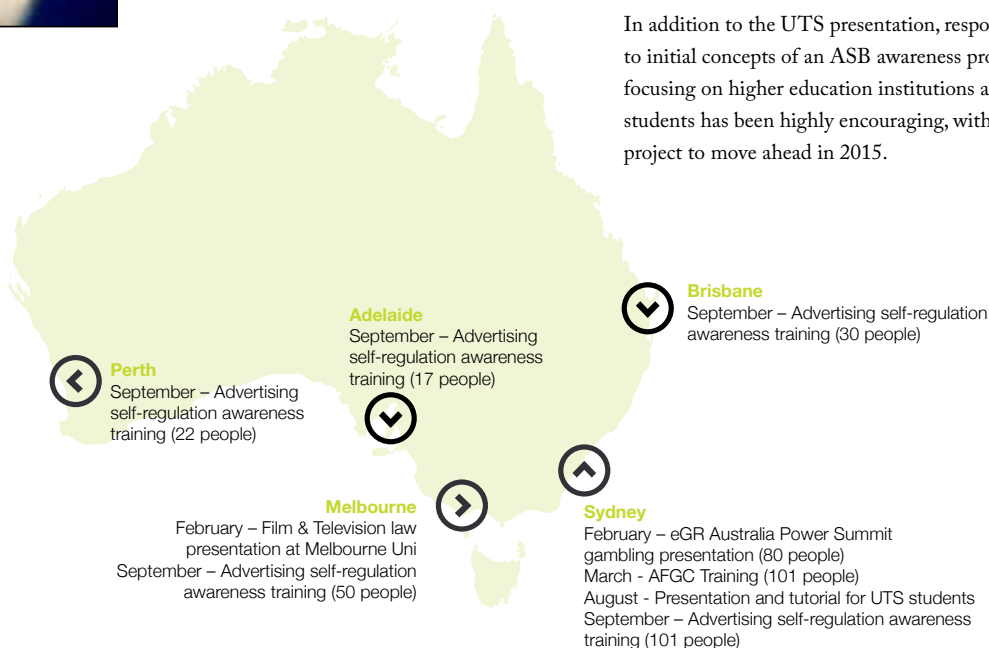
The ASB in collaboration with an United Kingdom based company Clearcast, took part in production of a filmed training package about advertising regulation around the world. In the UK, Clearcast's role includes checking advertisements against the UK Code of Broadcast Advertising. The company is also frequently asked about what can and cannot be done in various international markets. To address this it launched a project to assemble an online international video

library including presentations from countries across the world offering guidance on their national rules. These video recordings are available for purchase online.

Similar to previous years, the ASB worked with industry organisations to continue its promotion of responsible advertising practices and raise awareness of changing community concerns. In cooperation with the Communications Council, the AANA and the Outdoor Media Association (OMA), the ASB provided training to advertising agencies in the main capital cities across Australia. Training sessions were well attended, with positive feedback providing constructive ideas for future sessions.

Awareness and training sessions were also held for Australian Food and Grocery Council members to deliver up to date information about the Responsible Children's Marketing Initiative and the Quick Service Restaurant Initiative. Information about advertising self-regulation was presented during a film and television law seminar at Melbourne University, to final year students taking a course in Professional Advertising Practice at the University of Technology, Sydney (UTS) and a series of seminars for Aegis Media staff highlighting self-regulation requirements, issues and community standards continued into 2014.

In addition to the UTS presentation, response to initial concepts of an ASB awareness project focusing on higher education institutions and students has been highly encouraging, with the project to move ahead in 2015.



Feedback from advertising self-regulation awareness training sessions

As a supplier, the codes of ethics were much more relevant than the individual food, motor, alcohol codes, creatives would of found this interesting though.

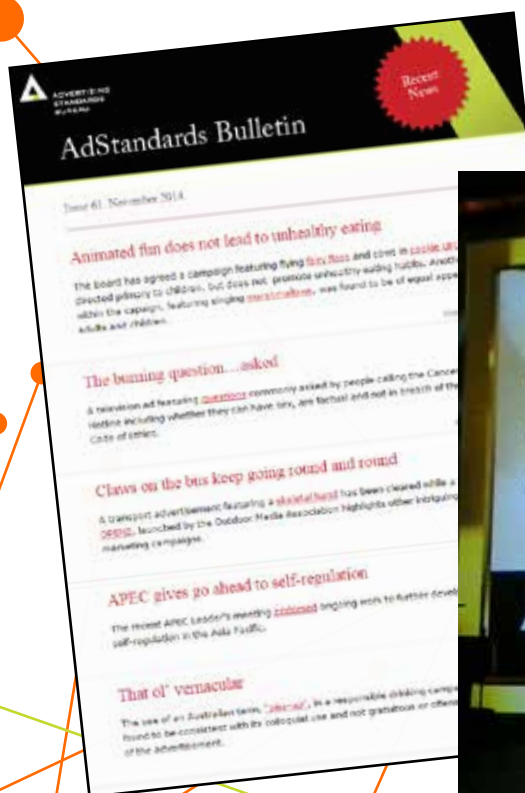
I was surprised by what was acceptable, so it potentially opens up a broader creative licence for me.

The OMA's second edition of OPEN—a publication highlighting the outdoor medium's benefits and creativity—included a feature article about the ASB. The ASB has been invited by the OMA to provide an article for both editions of the publication. The latest edition was released in November.

Since bringing the administration of the Advertising Claims Board in-house, the ASB has seen an increased number of Australian businesses utilising the alternative competitive complaint resolution service. In a boost of cases from previous years, the Claims Board considered three cases in 2014.

The ASB has continued its proactive response to media which has resulted in the maintenance of a high level of interest in Board determinations and other work and issues related to the ASB. Monitoring of the open rates of media releases and the monthly Ad Standards Bulletin, show high levels of interest in the information content across all stakeholder groups—industry, community, media, and government. The bulletin allows readers to access the ASB website and other relevant information through links. It covers issues of the moment as well as highlighting recent Board determinations. A Twitter account was opened in February and has received a modest but stable tally of followers.

In 2014 the ASB continued its sponsorship of the Media Federation Awards which rewards collaborative work done in producing campaigns that reach target markets.



Fiona Jolly on stage at the MFA awards

Government stakeholders understand, support and endorse the ASB

The ASB maintains its relationship with federal, state and local government authorities and representatives through regular meetings, presentations and information sharing activities. The ASB continued to pursue meetings with Parliamentary members during 2014. Meetings were held with several Ministers and portfolio advisory staff to discuss issues which relate to the work of the ASB.

The ASB also noted the Western Australian Government's response in October 2014 to the Joint Standing Committee on the Commissioner for Children and Young People's *Report on the Sexualisation of Children*, which "noted that there has been very few complaints about the content of advertising in the past 15 years in the context of classification laws".

The ASB continues to work and liaise with the Australian Competition and Consumer Commission, referring complaints and collaborating on issues raised about truth and accuracy generally and, in particular in relation to food and environmental advertising.

The ASB made a submission in response to the Australian National Preventive Health Agency's draft report on its *Review into alcohol advertising: the effectiveness of current regulatory codes in addressing community concerns*. The submission followed the ASB's earlier submission on the review's Issues Paper.

Ideas and experiences were also exchanged at a Q&A session focussing on *Best practice complaints handling in the changing media environment* hosted by the ASB in conjunction with the WFA Global Marketer Week. Speakers at the session included:

- Mr Guy Parker, CEO of the Advertising Standards Authority, United Kingdom and Chair, European Advertising Standards Authority
- Ms Hilary Souter, CEO of the Advertising Standards Authority, New Zealand
- Ms Ildiko Fazekas, CEO of Önszabályozó Reklám Testület (ÖRT), the Hungarian Advertising Standards Authority

OUTDOOR ADVERTISING INQUIRY

The ASB welcomed the Queensland Government's response in 2014 to inquiries into outdoor advertising, which commended the "system of self-regulation that operates at no cost to the Queensland community and is generally effective in ensuring that children are not exposed to sexually explicit advertising".

The ASB was part of a roundtable meeting with the Queensland Government and other industry organisations to discuss how the industry and Queensland Government can work together in response to the inquiry recommendations. The ASB continues to liaise with the Queensland Government on options for enforcement collaboration.



14.5
DAYS

Average time for completion
of Independent Review



37.6
DAYS

Average complaint
resolution timeframe

Internal business processes

Advertising Standards Board decision-making is independent, effective, and robust

The ASB launched a recruitment campaign for new members of the Board in early 2014, resulting in seven new members being appointed to the Board in September 2014. The new Board members participated in an induction and training day, alongside continuing members, to introduce them to the advertising codes and the important role that they had agreed to undertake.

To ensure Board members have an understanding of current trends and perceptions in the broader community, a regular program of training days and awareness sessions are conducted. In 2014 two training days were held which focussed on specific issues in relation to all Codes and Initiatives applied by the Board in its determination of cases.

Another element of the complaints handling process includes the option of complainants seeking an independent review of Board determinations. During 2014 three cases were considered by the Independent Reviewers who recommended that two cases be confirmed and that the Board decision in the remaining case be reviewed. These cases are available from the ASB website with a precis also available in this report (see Independent Review section).







































































A debrief was held with Independent Reviewers to discuss recent IR decisions and modifications to internal case management procedures.

The ASB complaints handling service applies across all media and meets established industry benchmarks and best practice

Even with the increased number of complaints in 2014, the number of complaints assessed as falling under the consistently dismissed complaint policy (174 in 2014) was similar to the number in 2013 (170). This policy has streamlined the adjudication process to enable the Board to focus on cases which raise concerns about new and existing issues.

To maintain a high-level knowledge of international best practice initiatives, the ASB CEO attended the annual European Advertising Standards Alliance (EASA) General Council Meeting in Amsterdam during April. Priority areas for discussion focused on capacity building and work to improve cross border complaints cooperation from an international self-regulation viewpoint.

Changing media categories

2010	2011	2012	2013	2014	
					TV
					Transport
					Pay TV
					Internet
					Radio
					Poster
					Billboard
					Print
					Outdoor
					Cinema
					Mail
					SMS
					Social Media
					App
					Promo
					Flying banner
					Out of home TV

A committed, appropriately skilled and sustainable workforce

The abilities and skills of staff were tested in 2014 by the record number of complaints received. Staff were able to maintain a highly efficient and steady work flow using systems and processes which have been constantly revised to meet work load requirements.

The ASB endeavours to provide a rewarding and challenging work environment while also maintaining a flexible family-friendly workplace. In 2014, staff have met work challenges and family needs through a combination of flexible work options such as working remotely and from home. Provision of flexible options in taking leave to enable staff to meet personal and work needs have also been offered to staff.

Staff training needs are identified as part of the ASB performance framework. As well as attendance at a variety of industry workshops and conferences to maintain a current knowledge of industry trends, staff training was undertaken in social media marketing, office administration, legal ethics and in work health and safety.

The ASB maintained an employee assistance program (EAP) through an external service provider which provides advice, counselling and support to all Bureau staff.

Workplace health checks were offered to all staff in early 2014. Other fitness challenges were also promoted to staff to highlight the importance of a healthy level of activity.

1 January to
31 December 2013

1 January to
31 December 2014

Ave. # of days	No. Cases completed	Ave. # of days	No. Cases completed
36.4	430	37.6	479

 **9** staff
2 full-time
7 part-time

 **6.5** full-time
staff equivalent

 **11%** staff gross
attrition rate
1 separation in 2014

 **5.6** years average
staff tenure

Long term development

The ASB capitalises on opportunities to administer all advertising and marketing communications complaints codes.

In December 2014, the ASB made a submission to the Department of Health's Review of Medicines and Medical Devices Regulation. The submission reiterated the proposal made in the ASB's earlier submissions to consultations of the Therapeutic Goods Administration and ANZTPA that the ASB assume responsibility for all complaints about advertising and marketing of therapeutic products to the general public.

A submission to take responsibility for the complaint adjudication function of the ABAC scheme was made to ABAC in early 2014. During the year ABAC conducted a governance review which concluded that the current ABAC complaints adjudication process is operating effectively and there was insufficient reason to change the system at this time.

A decision to resume in-house administration of the Claims Board has assisted in reinvigorating

this avenue for alternative resolution between competitors, with an increase in companies using the service during 2014.

Regional support and leadership

In March 2014, the ASB and AANA co-hosted an event at the WFA Global Marketer Week held in Sydney. The outreach event included participants from across Europe, Asia, America and Australia. The theme was International best practice in the field of advertising standards and regulatory systems.

Key speakers were Guy Parker EASA Chairman and Chief Executive ASA, UK, Ildiko Fazekas EASA Executive Member and Executive Director ORT (Hungary) and Stephan Loerke and Will Gilroy from WFA Asia. Ms Hilary Souter, New Zealand Advertising Standards Association's Chief Executive, along with Mr Bharat Patel, Executive Committee Member of the Advertising Standards Council of India, and Mr Seah Seng Choon, Executive Director of the Consumers Association of Singapore (CASE) – a member of

the Advertising Standards Authority of Singapore (ASAS) – also made presentations during the event.

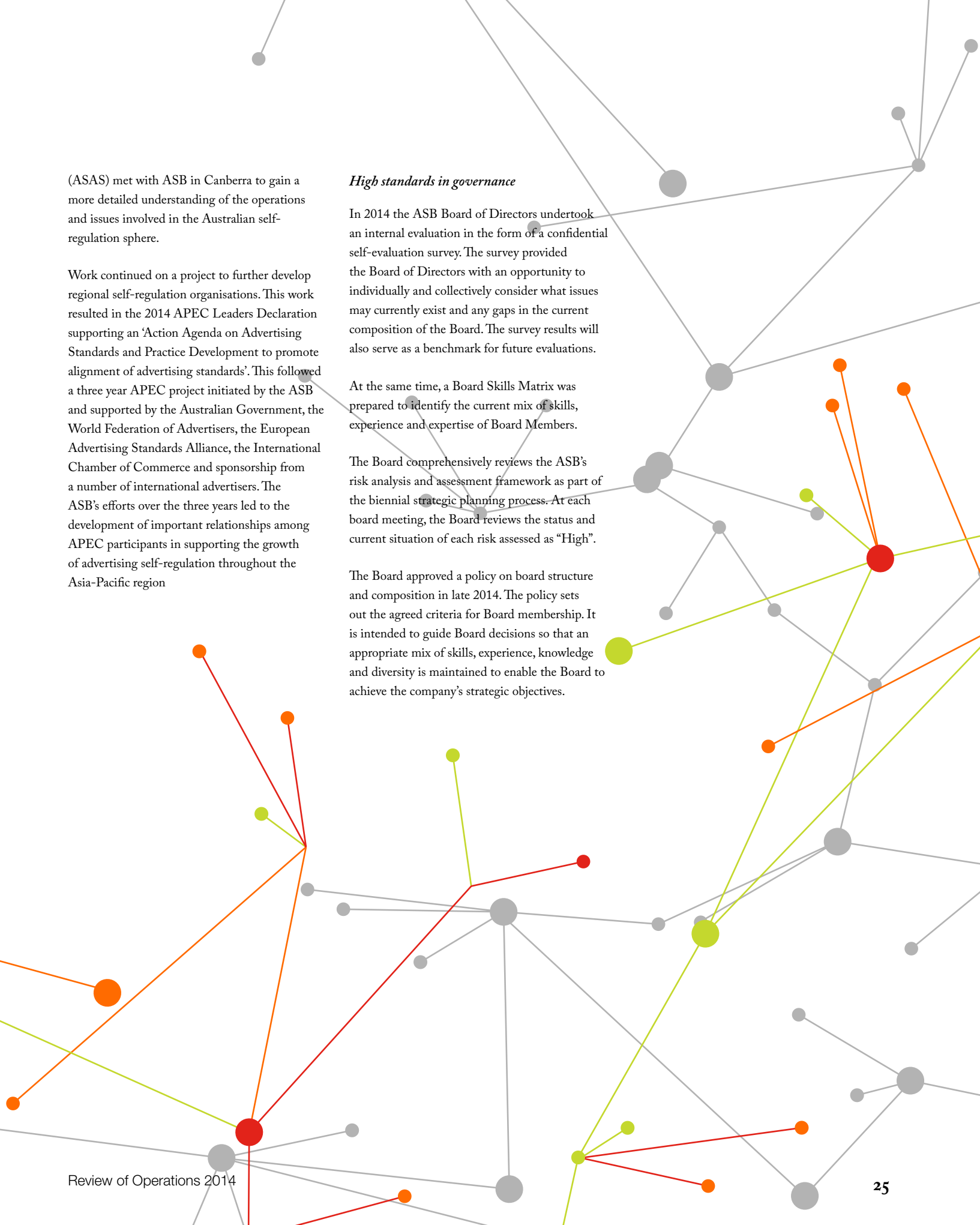
Participants heard about:

- Best Practice and Experiences from EASA and its International Council on Advertising Self-Regulation
- The Importance of Advertising Standards and the Global situation to date
- Building and Developing Self-Regulatory Capacity: Experiences of capacity building in Eastern Europe, and
- Local challenges and exchange of best practice experiences.

Participants discussed issues surrounding capacity building and assistance that could be provided across regions.

Following events held in conjunction with the WFA Global Marketer week, representatives from Advertising Standards Authority of Singapore





(ASAS) met with ASB in Canberra to gain a more detailed understanding of the operations and issues involved in the Australian self-regulation sphere.

Work continued on a project to further develop regional self-regulation organisations. This work resulted in the 2014 APEC Leaders Declaration supporting an 'Action Agenda on Advertising Standards and Practice Development to promote alignment of advertising standards'. This followed a three year APEC project initiated by the ASB and supported by the Australian Government, the World Federation of Advertisers, the European Advertising Standards Alliance, the International Chamber of Commerce and sponsorship from a number of international advertisers. The ASB's efforts over the three years led to the development of important relationships among APEC participants in supporting the growth of advertising self-regulation throughout the Asia-Pacific region

High standards in governance

In 2014 the ASB Board of Directors undertook an internal evaluation in the form of a confidential self-evaluation survey. The survey provided the Board of Directors with an opportunity to individually and collectively consider what issues may currently exist and any gaps in the current composition of the Board. The survey results will also serve as a benchmark for future evaluations.

At the same time, a Board Skills Matrix was prepared to identify the current mix of skills, experience and expertise of Board Members.

The Board comprehensively reviews the ASB's risk analysis and assessment framework as part of the biennial strategic planning process. At each board meeting, the Board reviews the status and current situation of each risk assessed as "High".

The Board approved a policy on board structure and composition in late 2014. The policy sets out the agreed criteria for Board membership. It is intended to guide Board decisions so that an appropriate mix of skills, experience, knowledge and diversity is maintained to enable the Board to achieve the company's strategic objectives.



Board reports

[Board view](#)

[Advertising Standards Board members retiring during 2014](#)

[Advertising Standards Board member profiles 2014](#)

[Advertising Claims Board](#)

The Board's view

Applying the Codes and Initiatives

When considering complaints about advertising, the Advertising Standards Board is bound by sections 2 and 3 of the AANA Code of Ethics, and a number of additional industry codes and initiatives. These Codes determine what issues the Board can look at when considering complaints. These issues fall broadly into 10 categories:

- discrimination
- use of sexual appeal
- violence
- portrayal of sex, sexuality and nudity
- use of language
- health and safety
- advertising to children (including the AANA Code for Advertising and Marketing to Children)
- motor vehicle advertising (the FCAI Voluntary Code for Advertising of Motor Vehicles)
- food and beverages (including the AANA Food and Beverages Marketing and Communications Code, the Quick Service Restaurant Initiative and the Australian Food and Grocery Council Initiative)
- environmental (AANA Environmental Claims in Advertising and Marketing Code).

Discrimination or vilification (Section 2.1, AANA Code of Ethics)

Section 2.1 is a broad category which includes discrimination or vilification on the basis of age, gender, race, ethnicity, nationality, physical characteristics, mental illness, disability, occupation, religion, sexual preference or lifestyle choice. It is important for advertisers to note that depictions of any section of society may raise concerns of discrimination, especially if groups are presented in a negative manner. Although the use of humour and a light hearted nature in advertisements has in certain cases lessened the impact of the overall message, if the Board views the advertisement as discriminatory against any group it will breach Section 2.1.

The issue of discrimination and vilification attracted 27.61 per cent of complaints in 2014.

Discrimination against age

In 2014 the Board received complaints about a television advertisement depicting an older man becoming angry after falling off a motorbike (Mars Confectionery - 0133/14). The complainant thought the advertisement disparaged the appearance of an old person and was ageist. The Board noted the man's friends call him a "cranky old man" but considered this was directed more at the character the actor in the advertisement is known for than at older men in general. The Board viewed the use of well-known people playing the parts of people acting differently due to hunger lessened the extent to which their behaviour could be seen as a reflection of behaviour undertaken by people of a particular gender, age or demographic. The Board had previously dismissed advertisements from the same advertiser where people are depicted behaving differently (mostly negatively) when they are hungry (0439/10 and 0084/13).

An advertisement featuring a short-sighted exercise instructor accidentally giving a Zumba class to a group of elderly people who were gathered to play Bingo (Specsavers - 0172/14) raised concerns about vilification—ridicule—of the elderly. The Board considered that while the older people were depicted as being there for Bingo, they were shown taking part in and enjoying the Zumba class. The Board considered that while the suggestion that older people like Bingo is a stereotype the advertisement portrayed a positive depiction of older people which was empowering and not demeaning. The Board had previously dismissed similar advertisements featuring people making mistakes because they weren't able to see properly in cases 0283/11 and 0213/12.

Discrimination on the ground of disability or mental illness

Although advertisers are generally careful to avoid discriminating or vilifying on the basis of disability, the Board considered some cases in 2014 and found one to be in breach of Section 2.1 on these grounds.

The Board determined that a radio advertisement featuring the jingle “We won’t be beaten just like a drum next to a man with no arms” (Llewellyn Motors – 0196/14) breached Section 2.1. The Board considered the advertisement presented the loss of limbs in a negative way and noted that the reference was not a true depiction of the capacity of a person with a disability. The Board noted that reference to a disabled person does not have any relevance to the sale of vehicles. The Board viewed the use of a disability to make a joke as inappropriate and that it had the potential to make people think less of a person with a disability.

A safety at work television advertisement featuring people scarred by chemicals (WorkSafe Victoria – 0062/14) attracted complaints relating to the use of a disabled person as an “object of pity”. The Board considered that the depiction of a woman with damaged vision and scarring is relevant in the context of the important community awareness message the advertisement is promoting. It noted that the woman in the advertisement is depicted as engaging with her life in a positive manner, but in the Board’s view was depicted appropriately as wishing she did not have the injury and considered that the issue of disability is handled in a sensitive manner.

The Board acknowledged that mental illness is a serious issue which should be treated with care. However, the Board was of the view that an advertisement promoting a hat day to raise money for mental health research (Australian Rotary Health – 0428/14) did not portray or depict material which discriminates against or vilifies a person on account of mental illness. Its view was that the most likely interpretation of the advertisement was that it was promoting a way in which to feel part of a group. Noting that the cartoon characters used in the advertisement were identifiable human-like figures, with no direct

resemblance to any one individual or group, and not meant to be representative of people suffering from mental illness, the Board considered that overall the complainant’s interpretation of the advertisement would be unlikely to be shared by the broad community.

Discrimination against men

Complaints concerning discrimination or vilification against men commonly refer to the level of acceptability the advertisement would have if roles were reversed and women were in the spotlight. The Board’s role is to consider each advertisement on its own merit and as such, addressing hypothetical alternatives is not part of its role.

A series of advertisements from My Plates (including 0276/14 and 0277/14) attracted close to the highest number of complaints in 2014. Concerns ranged from the depiction of men as distasteful people who pass wind in cars and pick their noses, to concerns about sexism. The Board considered that the advertisements depict activities which in Australian society are generally unacceptable in public. The Board agreed the advertisements depict men doing something the community found to be vulgar and in poor taste, but that these actions did not breach any specific provision of the Code. The Board view was that the advertisements were intended to be light-hearted and humorous and while the advertisements depict men, there was not a strong suggestion or implication that it is only men who behave in this manner and this was not a depiction that is demeaning or negative.

Concerns about the depiction of men as incompetent continued in 2014 (Momentum Energy – 0037/14). Consistent with previous determinations, the Board considered that the depiction of the man being unable to work the television is a reflection of a situation facing many people and that the depiction is not suggesting it is specific to men and in any case was light-hearted.

One advertisement raised concerns about sexism in relation to remembering what it is to “act like a man” (FOXTEL – 0066/14). The “manesia” concept in this advertisement was viewed by the

Board as tongue-in-cheek and it was considered that in the context of a print advertisement in a free magazine which is aimed at adults the advertisement does not demean men who may be less manly but rather suggests that a particular channel is enjoyed by men. The Board view was that most members of the community would recognise that the advertisement is not trying to be serious or factual but rather presents some stereotypical images of “unmanly things”.

Depictions of comparisons between men and women are not necessarily viewed by the Board as discriminating or vilifying of men (Beiersdorf Aust Ltd – 0054/14). In this case the Board noted the advertisement depicts the woman as being more capable at performing multiple tasks than the man, but considered the depictions were clearly presented as being a result of use of the advertised product and not any inherent difference between men and women. The Board considered that the depiction of both couples was stereotypical in various aspects but that there was no negative or demeaning representation of either the man or the woman.

Men trying to fool their wives into believing they accidentally booked a holiday in the same location as their mates (Fosters – 0148/14) is not viewed by the Board as a stereotypical suggestion that men are unequal to women in intellect or reliability. The Board noted that the advertisement is clearly an exaggerated and humorous set up intended to appeal to the target audience of adult males who would be interested in a holiday away with their partners but also with the option of sharing a beer with their mates. The Board noted that the advertisement is humorous, light-hearted and the men are not portrayed in a negative or disparaging way and does not suggest that all men would behave in this manner.

In the Board’s view an advertisement depicting an old-fashioned salesman as being the bad choice was not inappropriate or discriminatory (Cars Guide – 0504/14). The Board noted that the focus in the advertisement was on the product rather than the gender of the person and that the depiction of an older man being the ‘bad’ choice was suggestive of a ‘car salesman’ stereotype. The Board considered that the advertisement does not suggest that being older or male is negative but

rather than the methods and tactics of the old-fashioned salesman are negative.

Discrimination against transgender

The concept of a “Sun Mum” (Queensland Health – 0050/14) raised concerns about discrimination and vilification of transgender people. In this case the Board accepted that the depiction of the woman could be interpreted as being a transgender person, but was of the view that the “Sun Mum” is presented in a manner which clearly indicates this is a man dressed as a woman. The Board view was that the advertisement was not trying to present the “Sun Mum” as a transgender person and that most members of the community would agree that the use of the “Sun Mum” is in the context of a comedic slant to deliver the important sun safety message.

In one advertisement (Expedia – 0424/14) the Board noted the overall humorous tone and considered that the suggestion that the man’s wife used to be a man is not presented in a negative manner but rather as a reason to not go ahead with a honeymoon option but to choose something else. The Board noted the suggestion that the man will be able to laugh about the fact he has married his mate and considered that the implication is that the man is concerned about the fact it is his mate he has married rather than the fact his mate is transsexual. The Board acknowledged that there are negative stereotypes surrounding transsexual women, but was of the view that the advertisement did not suggest that all transsexual women would want or try to trick a man in to a relationship and that the advertisement treats the issue of trans women in a manner which is not discriminatory or vilifying.

Discrimination against women

Discrimination against women in advertisements generally attracts high complaint numbers. Imagery of women presented in a sexualised manner can be considered under Sections 2.1, 2.2 and 2.4 of the Code depending on the content of the advertisement and nature of the complaint.

Cases dismissed under Section 2.1 in 2014 include advertisements which: make implications about women’s intelligence levels (SCA Hygiene

– 0372/14); use a stereotypical comment about squealing (Southern Cross Austereo – 0165/14); make a reference to women as birds (Bayswater Car Rental – 0124/14); and an inference to a woman having a shapely body (Edwards Mowers Repairs – 0308/14). In these cases the Board viewed the use of the references as light hearted, humorous and not negative.

A billboard making reference to women as “the ball and chain” (Hougoumont Hotel – 0381/14) was not viewed in a positive light by the Board. In this case the Board noted that the reference to a wife or partner as a ball and chain is a colloquial term that can suggest that the female partner may drag a man down or hold him back in some way. The Board considered that although the creative idea may have a different interpretation, overall the message to the broad community that is being delivered in the advertisement is a negative one and is categorising women as the ball and chain, not men.

In another case referring to female partners (Sportsbet – 0360/14), the Board were less concerned about the term used. The Board noted that the term “wifey” is a term used by some members of the community and considered that in the context of the name assigned to a man’s wife in his mobile phone contacts list it could be considered affectionate or the preferred term of the man’s partner. The Board noted that married men are often described as “hubbies” and considered that the word “wifey” as used in the advertisement is being used in its colloquial manner and is not of itself demeaning to women. The Board dismissed complaints about an advertisement featuring a similar scene (0080/14) where the man also ignores a phone call from his partner. Consistent with its previous determination the Board noted in this instance that the man’s behaviour could be considered disrespectful to his wife but it is intended to be light-hearted and not likely to be mimicked.

The way wives are depicted as behaving was also considered by the Board in 2014. A radio advertisement (DS Family Law – 0024/14) includes a scenario in which a man describes some of the issues arising in his divorce such as claims being made on his family home by his wife.

The Board considered that while the advertisement suggests an unpleasant scenario, it is one which is relevant to the service being advertised. In the Board’s view, the advertisement did not suggest that all women will make the demands suggested and considered that the scenario presented did not discriminate against women.

In the Board’s view suggesting that a mother is responsible for cleaning (S C Johnson & Son Pty Ltd – 0495/14) is a stereotype which the broad community would be familiar with, but does not suggest men wouldn’t or couldn’t clean. The Board noted that the advertisement does not suggest that women are of lesser status or value than men and considered that the suggestion that a son wants to spend more time with his mother is a positive message which highlights the importance of a mother. Although the advertiser had amended the advertisement to include mention of the father and that while this inclusion improves the advertisement, in the Board’s overall view the original version did not depict women in a negative or demeaning manner.

The amount or type of clothing which women wear in advertisements is a cause of concern for the community. Although scantily clad, the Board viewed a cinema advertisement (Windsor – 0297/14) as one which presented the women as equal participants in a fashion show and that this style of presentation was not uncommon in advertising for fashion items. The Board had previously dismissed the same advertisement on Pay TV in case 0210/14 and on Free TV in case 0331/13.

The Board view of a depiction of women dressed as cowgirls who walk with their legs apart (Kimberly Clark – 0403/14) was that it was not discriminatory of women or cowgirls, but an advertisement aimed at highlighting the comfort of the advertised product and that it was reasonable to demonstrate how wearing some pads may cause discomfort.

Discrimination on the ground of ethnicity, race or nationality

Discrimination against certain ethnic or racial groups or nationalities is considered under Section

2.1 of the Code. Concerns generally focus on the use of stereotypical portrayals and accents representative of different nationalities.

In 2014 the Board considered two advertisements for iiNet (0321/14 and 0375/14) which raised concerns of discrimination against Slovaks and Romanians. Complaints raised issues of stereotyping the accent and dress of people from those countries, as well as implications that these countries were inferior to Australia. The Board view was that the focus in these advertisements was on the internet speeds of Romania and Slovakia in comparison to Australia and considered that there is no suggestion that any of the three countries are better or worse than the others, rather that Romania and Slovakia as small European countries have faster internet speeds than Australia.

In one case the representation of an Asian man (Murray Goulburn – 0299/14) was not viewed favourably by the Board. While noting that in the full 60 second version of the advertisement each character is seen performing tasks with the same level of incompetence, the Board's view was that the 15 second advertisement delivers a negative suggestion that people of Asian background are not capable of, or should not be involved in farming and that the portrayal of the man in this way was demeaning.

Concerns about generalisations and racism toward Caucasian Australians were made about an advertisement highlighting actions that can cause depression in Indigenous people (Beyond Blue – 0291/14). The Board view was that the message given in the advertisement relating to discrimination against Indigenous people was not intended to offend Caucasian people but acted as the mechanism to demonstrate various levels of discrimination and deliver the important message. Noting that the focal point of the advertisement is the Aboriginal people and highlighting to others what an Indigenous person feels, the Board view was that the perpetrators were incidental and there was not a negative view of Caucasians, rather only a negative perception of unconscious discrimination.

Stereotypical speech, imagery and behaviour was also considered by the Board in cases for radio

advertisements (Lander Toyota – 0285/14) where an Indian accent is heard, (Nupipe Plumbing – 0482/14) in which an Irish accent is used, an internet advertisement (Sunco Motors – 0332/14) where a ute is seen overloaded with people from an indigenous Afghani or Pakistani background, and a television advertisement (RAA of South Australia – 0011/14) depicting people of Greek heritage at a funeral. The Board dismissed complaints due to the advertisements depicting exaggerated scenes finding that they did not mock the actions or demean or discriminate against any group.

Discrimination against religion

Two of the most complained about advertisements in 2014 were considered by the Board under this provision of the Code. The advertisements were from the same advertiser (Menulog – 0178/14 and 0198/14) and depict a scene reminiscent of the historical artwork created by Leonardo Da Vinci, *The Last Supper*. By using a set-up which is well known as the artist Leonardo Da Vinci's interpretation of the Last Supper and depicting a painter asking the men to pose, the Board view was that the most likely interpretation was that the advertisements depict Da Vinci painting his masterpiece using actors to represent Biblical characters rather than depicting the actual Last Supper itself. The Board view was that the advertisements, by using an image of someone painting the Last Supper, do not undermine a central tenet of the Christian faith. The Board was also of the view that the advertisements do not denigrate Christianity or Christians, but use a humorous play on a well-known Biblical story with no negative reflection of the beliefs underpinning the scene.

A balloon in the shape of Christ the Redeemer with the words, "Keep the Faith" (Sportsbet – 0217/14) used to urge fans to continue supporting the Australian soccer team in its World Cup bid, was seen as sacrilegious by some members of the community. The Board noted that the Christ the Redeemer statue which the balloon is modelled on is an iconic symbol of Brazil and is often used to promote that nation to the world. The Board view was that although some members of the community would prefer that gambling not be advertised at all, it was not sacrilegious, offensive

or inappropriate to use a well-known national symbol to advertise a product associated with a sporting event being held in that nation.

An advertisement featured two groups of women (RAC of WA Incorporated – 0500/14) waiting for assistance due to their vehicles being broken down. One group is nuns and the other is young women dressed as 'sexy' nuns. The Board noted that the religious nuns in the advertisement are depicted as dignified and considered that they are clearly wearing the appropriate dress according to their religious beliefs and traditions, while the other group is depicted as being part of a hens' night and considered that it is part of common Australian tradition to dress up for hens' nights. The Board acknowledged that some members of the community would find the practice of dressing up as 'sexy nuns' to be inappropriate, but that the advertisement did not suggest nuns would or should dress in this manner. The Board view was that it is not of itself discriminatory against members of a religious order for members of the community to dress up in sexy versions of their dress and that the advertisement did not present real nuns in a manner which is inappropriate or offensive.

Discrimination against sexual preference

Cases considered in 2014 under Section 2.1 for discrimination against sexual preference included a billboard (Carlton and United Breweries – 0384/14) which included the words "Yes. You do look ridiculous" in relation to a man ice skating dressed in an orange lycra costume, along with the words "straight up", and led to concerns that the advertisement ridiculed gay men. The Board viewed the image and accompanying text not as a reference to sexuality but as a comment on his costume. The Board viewed the phrase "straight up" as a reference to straight talking and honesty and noted it was also a serving suggestion for the advertised product. Overall the Board viewed the advertisement as not negative or demeaning towards homosexuals.

Suggestions of men being embarrassed to embrace and accidentally spooning prompted concerns about homophobia in two television advertisements (Suncorp – 0317/14 and iNova Pharmaceuticals – 0227/14). The Board view was that a beach

scene in the pharmaceutical advertisement where a man hugs his male friend does not suggest that two men showing physical intimacy towards one another is inappropriate. In the other advertisement a voiceover which describes an embrace between two football players of differing size as an awkward man hug was also not viewed by the Board as depicting material in a way which discriminates or vilifies a person or section of the community on account of their sexual preference.

Discrimination on the ground of physical characteristics

Discrimination on the ground of physical characteristics can include aspects such as height, weight, hair colour and perceived attractiveness.

An advertisement featuring people using their phone to assist with their exercise (Apple - 0284/14) included a soundtrack with the lyrics, "go, you chicken fat, go". This was found by some in the community to be demeaning to overweight people. The Board noted the song was the theme tune to the youth fitness program set by President Kennedy to encourage physical activity among young Americans in the 1960s and that the lyrics are intended to be light-hearted. The Board also noted the advertisement did not feature overweight or obese people and there was no suggestion that overweight or obese people should be discriminated against or vilified because of their appearance. The Board view was that the use of the song in conjunction with the images of healthy people exercising did not amount to material which discriminates against or vilifies a person based on their weight.

The concept that scars are ugly (Queensland Health - 0157/14) was not viewed by the Board as discriminatory or as vilifying of a person based on their appearance. This television advertisement featured a young man who had scarring after being burnt by fire. The Board considered that a statement made by a doctor during the advertisement was one which most people would agree with. The Board view was that people may find scars ugly, but that the advertisement does not suggest that people with scars are ugly.

Discrimination on the ground of lifestyle choices

Dietary preferences were considered in cases during 2014 under Section 2.1 in relation to discrimination on grounds of lifestyle choices.

In its annual Australia Day advertisement (Meat and Livestock - 0013/14) made reference to people who prefer to live a vegan lifestyle. The advertisement is a continuation of the irreverent theme used in past versions of the advertiser's promotion of lamb for Australia Day. While the advertisement does imply that eating lamb is preferable to being a vegan the Board view was that the advertisement does not make any specific claims that you can only be strong and healthy if you eat meat and that the advertisement encourages people to eat lamb on one specific day of the year but does not suggest you should eat lamb every day or that you should not eat any other foods.

A billboard advertisement that made a suggestion that vegetarians were not welcome (Munich Brauhaus - 0335/14) at a festival, also came before the Board. In this case the Board view was that it was created in a light-hearted manner to play on the German language and the meat centric platters that are synonymous with the Bavarian culture. The Board maintained a consistent view that while some people may find the advertisement offensive and possibly discriminatory, the reference to a person's lifestyle choice of whether to consume meat or not, does not amount to discrimination.

Discrimination on the ground of occupation

An online advertisement (Mars Confectionary Snickers - 0120/14) was considered by the Board in 2014 after community concern about its negative misrepresentation of male builders. The Board noted comments male builders call out to women during the advertisement are positive and considered that the suggestion is that if the men weren't hungry they would be calling out negative or sexist comments to the women. The Board noted that there does exist in the community a stereotypical view of male builders who make unwelcome comments to women. A minority of the Board considered that the tag line of the

advertisement, "You're not you when you are hungry", strongly endorses sexist behaviour by men as being normal. The majority of the Board considered that while the advertisement does play on a stereotypical view of male builders it does so in a light-hearted manner and does not explicitly state how male builders behave.

A television advertisement about a female plumbing company (Female Choice Plumbing - 0002/14) was considered in relation to concerns about its sexist and insulting depiction of male plumbers, showing a plumber with part of his buttocks exposed. The comparison with a better dressed tradesperson was not viewed by the Board as discriminatory towards male plumbers, but rather a depiction of the type of tradesperson a consumer would prefer to employ. The Board viewed the overall tone and theme of the advertisement as light-hearted and humorous.

Exploitative & Degrading (Section 2.2, AANA Code of Ethics)

Section 2.2 of the Code concerning the use of sexual appeal in a manner which is exploitative and degrading was introduced in 2012. This section takes into account the objectification of children, men and women and requires that the advertisement use sexual appeal in a manner that is both exploitative and degrading in order to be in breach of the Code. Common complaints under Section 2.2 of the Code focus on use of women's bodies and use of women as sexual objects, and concerns about relevance images may have to the product or service advertised.

Children

The AANA Code of Ethics Practice Note provides the following additional guidelines for advertisers regarding exploitative and degrading content concerning children: in advertisements where images of children are used, sexual appeal is not acceptable and will always be regarded as exploitative and degrading. In 2014 the Board found one advertisement in breach of Section 2.2 in relation to images of children.

Concern about exploitative and degrading imagery of a child was raised in a motorcycle leather gear advertisement (Mars Leather – 0225/14) which featured a group of men dressed in denim and leather and a naked toddler wearing boots and sunnies. The young boy is apparently naked with his groin covered by the wooden paling of the fence with the group standing behind. In the Board's view the image is intended to suggest that the boy is naked except for leather boots, noting since its original publication over 30 years ago, there had been a significant increase in public awareness and sensitivity regarding images of children. While acknowledging that the image was intended to be an innocent portrayal of a young boy trying to appear tough alongside the grown men, the Board took into account the Practice Note to the Code which leaves the Board obliged to uphold a complaint if there is any suggestion of sexual appeal in the advertisement. The Board view was that the advertisement employed what might be considered by some members of the community as sexual appeal.

Men

In 2014 there were no cases considered by the Board concerning exploitative and degrading imagery of men. Complaints regarding discrimination or vilification of men are captured under Section 2.1 of the Code and the use of sex, sexuality and nudity is considered under Section 2.4.

Women

Images which breached Code

The Board found several advertisements in breach of Section 2.2 of the Code for the use of sexual

appeal in a manner which is exploitative and degrading to women.

Concerns were raised about degrading images of women used by a coffee company (Fresh One – 0213/14) in the form of posts on the Facebook page of the advertiser. The Board upheld complaints against each of the six posts finding them to breach the Code in relation to Sections 2.2, 2.3, 2.4, 2.5 and 2.6. One image was of a woman holding a bag of coffee beans against her naked chest. In this image one of the woman's arms was pushing her breasts up and together making them prominent in the post and her other arm was holding up a bag of Fresh One coffee beans. The text reads, "Name me and I'll come home with you..." The woman's head was not visible in the image and the focus of the image is a naked torso. The Board considered that although the image and text intend to promote the naming of the bag of coffee beans in the Board's view there was a strong suggestion that it was the woman who required naming and that she would go home with the winner. In the Board's view this suggestion amounted to use of sexual appeal that is both exploitative and degrading to women.

In the Board's view it is important, when using imagery of women in bikinis, that the imagery and accompanying text is relevant to the product to avoid perception of using sexual appeal in a manner which is exploitative and degrading. The Board upheld two advertisements (St George Scrap Metal – 0141/14 and Macket Bracket – 0266/14) in relation to this concept. In these advertisements one included an image of a woman in a bikini with the accompanying text "St George Metal Recovery. They are definitely not the largest. But I wouldn't sell my stuff to anyone else". The other featured a drawing of a woman, referred to as "Miss Macket" wearing a bikini top and short denim shorts. The accompanying text read "Get it up faster every time".

In another case (MacKenzies of Perth – 0143/14) the Board viewed the image of a woman holding a feather boa between her open thighs as clearly intended to draw the viewer's attention to this part of the woman's body in a manner which was both exploitative and degrading.

In the Board's view an image of a naked man riding on the back of a woman and raising his hand to smack her bottom, similar to the action of a jockey whipping a horse, (Mardi Gras Sydney – 0032/14) had no clear connection to the product advertised. In its view the depiction of someone on all fours was an image consistently considered by the community as a sexualised image suggestive of one person dominating another. The Board determined that the advertisement employed sexual appeal in a manner which was exploitative and degrading.

Relevance to product

Advertisers should use caution depicting sexualised or nude images when there is no direct relevance to the product.

An advertiser's apology (Good Time Burgers – 0018/14) to a previous upheld decision (0416/13) was viewed by the Board as a humorous response to its previous decision. In this case on the left cheek of the woman's bottom, there is a cut out portion designed to look like a burger. On the right cheek is the name of the company "Goodtime". In comparison to upheld cases where text and imagery was found to be exploitative and degrading, the text in conjunction with the image in this case gives a humorous context which in the Board's view did not amount to an image which is exploitative and degrading.

In the Board's view a television advertisement which asks the question "Have we got your attention?" after showing a woman in a bikini holding a fishing rod (Regal Marine – 0129/14) did not amount to a depiction that would be considered both exploitative and degrading to women, although there was little relevance to the fishing equipment.

The Board noted that some members of the community may not approve of an advertisement promoting an online dating service (COUGARLIFE.COM – 0498/14) featuring women chasing a man along a beach to the soundtrack from the movie, "Chariots of Fire".

Complainants raised concerns that the advertisement is sexist in its depiction of women chasing a man. With the tagline for the

advertisement being, "where the women chase you," the Board considered the depiction of the women chasing a man was relevant to the advertised product which is a dating website where men can register to date older women ('cougars'). The Board noted the beach setting for the advertisement and considered the women's swimming costumes were appropriate to the circumstances and that the women are depicted as powerful and confident and not depicted in a manner which is exploitative and degrading.

Although sex industry products and services are possibly offensive to some members of the community, the Board view is that it is reasonable to expect advertisements to include images of the associated products, services or activities. A large poster (The Firm Gentleman's Club – 0163/14) showing a woman wearing stockings and a g-string, another poster (Erotique Adult Centre – 0258/14) showing two women, one wearing a black basque, stockings and suspenders and the other wearing a pair of red lacy knickers sitting on her heels, with her arms covering the side view of her naked breasts, were both found to not be exploitative and degrading. Women who pole dance was one of the entertainment features of a club (Club Shoop – 0153/14) and as such the Board viewed an image of a woman posing on a pole as not exploitative and degrading.

Fashion and lingerie

The Board has consistently noted that advertisers have the right to use images of women in lingerie in order to sell their underwear products as long as it is not considered exploitative and degrading.

In 2014, the Board dismissed complaints under Section 2.2 for an outdoor advertisement (French Connection – 0169/14) that features an image of two women in two poses; one where they are fully dressed, the other with sketches of the clothes over their naked bodies. The Board view was that the imagery was stylised and highly creative and that it was typical of imagery used in fashion magazines and in the fashion industry.

A poster where a naked woman is covered in bows and ribbon like a present (L'Oreal Australia – 0175/14) was also considered by the Board as a highly stylised image, consistent with a fashion

product. The Board noted the product is sold in a bottle shaped like a ribbon bow and considered that the use of the ribbon on the woman was in reference to this and was not intended to depict her as a gift. Similarly, in an advertisement in which a woman is shown laying on her side with wrapped Christmas presents in front of her (Ella Bache – 0535/14), the Board view was that in the context of a skin product the depiction of a woman exposing a significant amount of her skin was not exploitative and the image itself did not portray a woman in a manner which is degrading.

The depiction of a woman wearing lingerie which fully covers the model's private areas, to promote a lingerie store (Honey Birdette – 0300/14 and 0386/14) were advertisements aimed at women, and was in the Board's view not inappropriate. In both of these cases, the Board view was that the images did not amount to images which use sexual appeal in a manner which is exploitative and degrading. The Board also took this view with a poster advertisement (Bras 'n' things – 0419/14) featuring female models pictured in an outdoor setting wearing black, beige or brown bras and underwear.

Violence (Section 2.3, AANA Code of Ethics)

Violence is unacceptable in advertising unless it is justifiable in the context of the product or service advertised. The advertising of very few products or services realistically justifies the depiction of violence. In 2014 the Board considered advertisements that portrayed domestic violence, cruelty to animals, graphic depictions, weaponry, and imagery that may cause alarm or distress under Section 2.3 of the Code.

Complaints about violence dropped from 16.1 per cent in 2013 to 12.13 per cent in 2014.

Community awareness

Each year the Board receives numerous complaints about community awareness advertisements. These advertisements include messaging relating to public health or safety. The Board has consistently stated that a higher level of graphic imagery is recognised as being justifiable in public education campaigns because of the important health and safety messages that they are intended to convey. Further, compelling detail and shock may be necessary to be effective in these types of advertisements.

Anti-smoking campaigns dismissed in 2014 include three advertisements from Quit Victoria which depict a bronchoscopy being performed as a voiceover describes the breathing difficulties smokers can face if they develop lung cancer (0137/14), a child left alone at a train station who becomes distressed (0147/14), and one which features a range of graphic images of parts of the body affected by cancer and disease (0247/14). Another anti-smoking campaign (Cancer Institute of NSW – 0058/14) featured Terrie, aged 51 years old, who was diagnosed with throat cancer. Viewers see her daily routine of getting ready—putting false teeth in, putting on a wig and inserting her hands free device into a hole in her throat. In all cases the Board view was that the explicit images and messages were not inappropriately violent or upsetting and that each advertisement handles the important community awareness issue in a manner which is not inappropriate for the relevant PG audience.

The Board is consistent in its view of public health and safety campaigns, where it accepts that a higher level of violence can be depicted if justifiable in the context of the important health message being conveyed to the public. This view was applied in several cases during 2014, including an advertisement seeking donations for brain cancer research (Cure Brain Cancer Foundation – 0357/14). This advertisement featured an operating theatre with a young boy lying on the operating table and during the advertisement sounds of a drill and other operating equipment are heard. Another featured a man in a hospital gown with a shaved head and large stitches on his skull (Department Premier and Cabinet NSW – 0456/14), with a tagline

‘Stop before it gets ugly.’ The Board acknowledged that some members of the community could find the image to be graphic but took a view consistent with previous determinations (0181/10, 0423/11) that the image was relevant to the important community awareness message about alcohol fuelled violence.

Other advertisements included one to raise awareness of the symptoms of a stroke (National Stroke Foundation – 0083/14) which featured images of a woman with a burn hole in her forehead and large text with the emergency “000” number and the words “Think F.A.S.T. Act Fast”. Another which raised a higher level of community concern was to highlight the importance of having up to date first aid and resuscitation knowledge (St John Ambulance WA – 0214/14). This advertisement depicted a child sinking to the bottom of the pool with his mother unable to save him due to a lack of first aid knowledge.

Domestic violence

The issue of domestic violence is a very serious one and in the Board’s view advertising should not encourage or condone actions which can be perceived as unacceptable behaviour. In 2014 concern was raised about an advertisement featuring a couple deciding on the paint colour for their house (Hammonds Paints – 0041/14). The advertisement features two couples seated at an outdoor table with one woman kicking one of the men under the table to show her displeasure with him. The Board view was that in this instance the scene represents a light hearted and realistic domestic scenario between a couple rather than an act of violence.

A radio advertisement in which a woman is heard to threaten to punch her husband if he doesn’t behave himself (Melbourne Airport – 0322/14) was viewed by the Board as not encouraging or condoning violence. The Board considered that in this instance the threat was made in a light-hearted manner consistent with marital banter and although a light thump is heard which suggests the woman has hit her husband, the man’s reaction indicates it was not a painful punch and he did not seem concerned or alarmed.

The Board took a different view of an advertisement in which a woman slaps a man on the back of the head (Camel Tanks – 0491/14). In upholding complaints about the advertisement the Board noted the sound of a man being hit and his expression of pain. The Board was of the view that the sound effects were realistic and were not humorous and nor could they be considered a slap- stick depiction of violence. Overall the Board view was that slapping someone in response to such insignificant behaviour was not relevant to the product or service advertised.

Humour and depictions of pain

Advertisers should take care or reconsider using violence in advertisements if violence is not directly related to their product or service. Section 2.3 of the Code states that violence should not be presented unless it is justifiable in the context of the product or service advertised. Advertisements will sometimes use humor to minimise the impact of violence in advertising, and this is taken into account by the Board.

Complaints were dismissed about a television advertisement featuring a scene where a man is hit from the side by a giant boxing glove (Horticulture Australia Ltd - 0122/14). The Board view was that the overall tone was slapstick and that the use of the boxing glove was to emphasise the 'sugar hit' gained from eating a donut rather than a depiction of actual violence.

In the Board's view being hit by a snowball while having a drink in a bar (Beam Suntory – 0184/14) was an unreal situation and also one which does not depict, condone or encourage alcohol fuelled violence or violence of any kind. The Board agreed the woman in the advertisement appeared to welcome the snowball, and determined that the snowball was a metaphor for the flavour of the beverage, and not an actual depiction of violence.

Relevance to the product or service

The provisions of the Code are specific in that violence can be portrayed only where it is justifiable in the context of the product or service advertised. An advertisement which depicted a person being held captive with a bag covering their head (Oporto Franchising Pty

Ltd - 0072/14) was found to breach Section 2.3. The Board noted that the act of keeping someone captive and covering their face could be perceived by viewers as the ritualised beginnings of the torturing of the captured man and that these actions are both menacing and violent. The Board noted that the advertisement is for a restaurant and its new line of steak burgers and although the advertisement was likely to be viewed by an older audience, the portrayal of violence was not justified in the context of selling a burger. The Board view was that the advertisement had a strong suggestion of menace and presented violence in an unacceptable manner.

Concerns were raised about the violence depicted in images used by a coffee company (Fresh One - 0213/14) in the form of posts on the Facebook page of the advertiser. The Board upheld complaints against each of the six posts finding them to breach the Code in relation to Sections 2.2, 2.3, 2.4, 2.5 and 2.6. One image was of a man about to be decapitated by a masked executioner. The Board view was that the man with his head on the wooden block looks distressed and the hovering executioner with a raised axe presents a sense of menace and violence which is not appropriate in the context of the advertised product regardless of the accompanying text.

In the Board's view the use of a domestic violence situation to depict the dangers faced by police (QLD Police Union of Employees – 0462/14) was not suggesting that all men are violent towards women. The Board view was that the scenario depicted was suggestive of violence but was relevant to the overall message and although weapons were shown, was not in breach of Section 2.3 of the Code.

Movies and games

Outdoor advertisements promoting video games, one featuring a central figure holding a large gun figure using a headless man (Bethesda – 0188/14), and the other with a man holding mobile phone in one hand and a gun in the other (Ubisoft P/L - 0226/14) were dismissed by the Board in 2014. In these cases, the Board view was that the images in the advertisements were relevant to the products being advertised and that the depiction of characters from the game was not a depiction

that portrayed violence that was unjustifiable in the context of the product being sold.

Weaponry

Advertisements using images of weapons are considered under Section 2.3 of the Code. In 2014 the Board dismissed complaints where a radio advertisement featured the sound of a person falling with a thud to the ground after the sound of gunfire (Epworth Healthcare - 0229/14) and a television advertisement in which former cricket player Shane Warne is being fired at with paint balls from close range (Sportingbet Australia Pty Ltd – 0098/14).

In the case of the radio advertisement the Board noted that the advertised product is a health check and considered that the suggestion made in the advertisement that people are not bullet-proof is not inappropriate in the context of health checks although noting that there is increasing community concern surrounding gun crime. The Board's view was that in this instance the advertisement is using a common metaphor, along with sound effects, in relation to health awareness which in the Board's view was justifiable in the context of the advertised product.

The Board noted the weapons used in the television advertisement were clearly paint ball guns and not real guns and that while Shane Warne did not enjoy the experience it was made clear that he had volunteered to be hit with paintballs as part of a bet and the consequence of this decision were clearly shown.

Graphic depictions

While the Board is more lenient on graphic depictions in relation to community awareness message, it is not as lenient when the advertisement is for a specific product (EBBS International - 0279/14). This advertisement from a commercial company for a life-saving product was screened in children's viewing time. It featured statistics on the number of children who drown each year and viewers heard a splash as someone enters water followed by a woman screaming loudly with text on screen reading "Don't let your child become another drowning statistic". In the Board's view the advertisement

clearly implied that the woman was screaming because her child was drowning and that the advertisement depicted a level of disproportionate violence and was likely to cause alarm and distress to some members of the community, especially children.

Representations of nerve pain using images of needles and nails in a hand (Pfizer Australia – 0243/14) were presented in a clinical and unrealistic manner and would not cause distress in viewers, including children. Although given a W rating (enabling the advertisement to be shown in children's viewing times) the Board view was that the advertisement's very serious tone and unrealistic images were not scary and unlikely to cause distress.

An image of a skeleton like hand dragging its fingernails through the name of the game on the floor of a mall and similar imagery on the side and rear panels of buses (Bethesda – 451/14 and 452/14) were viewed by the Board as relevant to the product being advertised and not as images which portrayed violence that was inappropriate given that the advertised product was a horror game.

Cruelty to animals

Concern for the welfare of animals continued in 2014 with the Board considering several advertisements under Section 2.3 for cruelty towards animals.

Complaints were dismissed after concerns were raised about dog welfare in an advertisement for a dog treat (Mars Petcare Australia – 0168/14) and for cat welfare in a gambling advertisement (Tabcorp – 0324/14). In both advertisements the Board viewed the attention given to either animal was not cruel—the cat received affectionate petting and the animated dog received a treat.

The Board acknowledged that cruelty to animals is a serious topic but was of the view that an image of a pigeon in a bottle (JCDecaux Australia Pty Ltd – 0418/14) was clearly in the context of a campaign highlighting communication methods and that it would be very unlikely to encourage people to try and copy the image with a live pigeon.

A scene in which a seagull is mistaken for a volleyball (Specsavers Pty Ltd – 0534/14) was viewed by the Board as one which would not be considered to condone or encourage violence against seagulls. Noting that the theme of the advertisement was in keeping with the advertiser's previous advertisements where people make errors because they are not wearing appropriate visual aids, the Board agreed it was a situation most likely to be considered unlikely and humorous. The Board also noted most members of the community would recognise that the seagull was not a real bird but a computer generated image and that the bird was seen unharmed at the end of the advertisement.

Bullying

Behaviour which may be considered bullying is considered by the Board under Section 2.3 for violent acts or Section 2.6 (health and safety) for non-violent bullying.

In 2014 the Board did not find any cases to breach Section 2.3 in relation to violent bullying.

Imagery attractive to children

Advertisements with the potential of causing alarm and distress to children were considered by the Board in 2014.

Behaviour depicted in advertisements for a toy sale (Woolworths Supermarkets – 0263/14 and 0274/14) that might be copied by children was thought to be overly aggressive by some viewers. The Board agreed that the suggestion of blowing something up is of a mildly violent nature. However in the context of children posing as agents or villains, the Board view was that in connection with the promotion of a toy sale, the overall impression the children's behaviour gave was one of fantasy and not one of strong violence or the promotion of violence.

Sex, sexuality and nudity (Section 2.4, AANA Code of Ethics)

The use of sex, sexuality and nudity in advertising generally attracts the most complaints compared to any other section of the Code. In 2014, this issue raised only 14.27 per cent of complaints. Down significantly from previous years when the issue has been the subject of up to 45 per cent of complaints (2010).

The Board considers the relevant audience with Section 2.4 and particularly distinguishing between acceptability of content within public domains which children may be exposed to (such as billboards) as opposed to other forms of media which may be more restrictive, such as internet sites and TV advertisements with timing restrictions. In considering cases under Section 2.4, the Board will also consider the relevance the sex, sexuality or nudity has to the product or service being promoted. In general, using these themes to promote sex shops or lingerie products will be more understandable as the imagery relates to what is sold.

Product relevance

The Board's view about the relevance of images and concepts used in promoting products and services remained strict in 2014.

Concerns were raised about the images of women used by a coffee company (Fresh One - 0213/14) in the form of posts on the Facebook page of the advertiser. The Board upheld complaints against each of the six posts finding them to breach the Code in relation to Sections 2.2, 2.3, 2.4, 2.5 and 2.6. Three images were found to breach the Code in relation to Section 2.4.

One image featured a woman viewed from behind, wearing only a g-string with her thumbs hooked in the sides and appeared to be in the act of pulling her underwear down. The accompanying text was, "A Freshy will leave you feeling pleased and guilt free after the grind". Another image was of a woman kneeling in front of a man with accompanying text, "Ain't nothing like a morning Fresh One. I've been waiting to

explode in your mouth all morning. Let us treat you to a Fresh One." In the Board's view both posts were sexually suggestive and did not treat sex with sensitivity to a relevant audience of Facebook active adults interested in coffee, and was also overly and clearly sexualised to an extent that was unacceptable.

The third image found to breach the Code in relation to Section 2.4 was of a coffee cup with the Fresh One logo, a cat in a washtub and a cockerel. The text accompanying the image read, "What do you get when you mix a cock and a wet pussy?" The Board view was that the accompanying language was a direct reference to colloquial descriptions of both male and female genitalia and that the combination of images and text amounted to an overall depiction that was a strong sexual reference and not appropriate for the relevant audience of Facebook active adults who are expecting to see content related to coffee and coffee beans.

Different images of naked women on a vehicle advertisement and on a billboard (Enhance Clinic - vehicle 0029/14 and billboard 0030/14) resulted in opposing views from the Board. Its view of an image on the bonnet of the vehicle where the woman's breasts were covered by her hands and no detail of the breasts were visible and on the side of the vehicle where the image was not clear, was that neither were overtly sexualised and that the images were relevant to the advertised product.

However, the Board's view of the billboard image was not as positive. The billboard featured an image of a naked woman with her hand between her legs. The woman's hand and genital region were hidden by a love-heart shaped sticker. The Board view was that although the love-heart is placed over the woman's genital region, her hand is still clearly placed over her genital area which made it appear as if she was touching herself intimately rather than covering herself, and considered that this made the image sexualised. The Board had previously determined that the same image without the sticker breached the Code and considered that the sticker had not effectively addressed the concerns previously raised and that the image still had a sexualised tone that was not relevant to the product.

Highlighting the importance of product relevance was the view of the Board in an advertisement where viewers see a bare breasted woman singing "I touch myself" (Cancer Council NSW - 0195/14). Ten Australian female artists, sing Chrissy Amphlett's song 'I Touch Myself'. The head and shoulders of the women are seen and they appear not to be wearing tops. There is no actual nudity other than in the M rated version of the advertisement, where a woman is seen naked to the waist. The woman has undergone reconstructive surgery following breast cancer. The Board view was that the aim of the campaign was to increase community awareness of breast cancer and the importance of self-examination and that the advertisement was not sexually suggestive in any way and considered in the context of a community awareness campaign about breast cancer, the level of nudity shown was not inappropriate.

Breast feeding is a natural activity and the Board takes a consistent view of scenes depicting women feeding their children (La Trobe University - 0290/14 and Nutricia Australasia Pty Ltd - 0237/14). Its view in these cases was that in the context of an image of a woman breastfeeding a baby the level of nudity in the advertisement was not inappropriate for a broad audience which would include children.

Each year the Board consistently receives complaints regarding the use of sex, sexuality and nudity in the promotion of lingerie. The Board continues to note that it is reasonable for an advertiser to depict its products, particularly lingerie, being modelled in its advertising.

In 2014, the Board dismissed complaints under Section 2.4 regarding models in lingerie and underwear (Pacific Brands Holdings Pty Ltd - 114/14, 0385/14, 514/14, Aussiebum - 0105/14, Myer Pty Ltd - 0347/14, Target Australia Pty Ltd - 0108/14 and 0344/14, Capri Body Fashions - 0109/14, Bras n' Things - 0130/14 and 0419/14, Woolworths Supermarkets - 0349/14, Honey Birdette - 0460/14). In these cases, the Board considered the imagery of models in lingerie to be appropriate considering the product sold, the images were not overly sexualised and that they did not use inappropriate nudity or exposure.

Advertisements for sex products and services continued to generate community concern in 2014. The Board continues to note that advertisers are legally able to advertise their product, so they must only consider the content of the advertisement and not address concerns that sex products and services should not be advertised.

One unique advertisement highlighted the issue of product relevance (ACON Inc. - 0508/14). An 18 metre high pink condom was placed over Sydney's Hyde Park obelisk. The Board noted the size and colour of the condom and that it contained a message written down the side which read, "[Test More] + [Treat Early] + [Stay Safe] = [Ending HIV]". The Board considered the wording was not sexualised and was of the view that the important community health message being conveyed was not inappropriate for a broad audience which would include children.

The Board dismissed complaints for sex product or service advertisements for Adult Sensations (0162/14), Everything Adult (0368/14 and 0369/14), Love Honey (0197/14 and 0519/14), Reckitt Benckiser (Aust) Pty Ltd (0053/14), Sexpo Pty Ltd (0183/14, 0222/14 and 0302/14), VIP Weekly Deals.com (0190/14), Menarini (0049/14), Advanced Medical Institute (0380/14 and 0477/14), Krystal Adult World (0417/14) and Adult Emporium (0481/14). In these cases, the Board found the level of sex, sexuality and nudity used to be not inappropriate and to be directly relevant to the product advertised.

Humour and sexual innuendo

Humour and sexual innuendo in advertisements considered by the Board in 2014 generally raised questions of whether the advertisement was appropriate for a broad audience which could include children.

Concerns were raised that the text of an advertisement, "Do it outdoors", had sexual connotations (Outdoors Warehouse - 0047/14). While the use of the phrase, "do it outdoors" could be interpreted as referring to having sexual relations outside, in the Board's view this innuendo was mild and was unlikely to be understood by younger children. The depiction of a woman in exercise gear was not inappropriate

in the context of an advertisement for a retail outlet selling outdoor equipment, and suitable for an outdoor advertisement which would be seen by children.

Concerns were also raised that the triangle of hair shown in a television advertisement (Sportsbet - 0215/14) was suggestive of a woman's pubic region and that the use of the phrase, "The world's biggest Brazilian...offer", was suggestive of the practice of shaving a woman's pubic hair (Brazilian shave). While this was a likely interpretation of the advertisement the Board considered it was quickly made clear that the hair was on a man's head and it was an offer being promoted, not a Brazilian shave. The Board noted that the advertisement had been rated PG by CAD and was of the view that the advertisement did not contain material which is inappropriate for a broad audience which could include children.

Exposure of a man's bottom was in the Board's view depicted as an example of bad dressing (Pacific Brands Holdings - 0116/14) and in the context of advertising underwear that fits properly, this depiction of a man's bottom was not inappropriate. The Board was of the view that reasonable members of the community would not find the exposure of a small part of a man's bottom in the humorous scenario presented to be offensive or sexualised.

Humorous poses used during a television advertisement (Primo Smallgoods - 0121/14) were, in the Board's view, intended to reflect a man's love of bacon and although the man was clearly supposed to be naked he was not presented in a sexual manner. Filmed in the style of a scene from the movie, American Beauty, the Board view was that the bacon sequence was a fantasy scenario and that his private areas were not seen and the level of nudity in the advertisement was not inappropriate for the relevant audience which would include children.

Nudity

Certain levels of nudity can be considered acceptable by the Board if it is presented in a manner appropriate to the audience and does not expose genitalia or contain overly sexualised content.

Two advertisements which used an image of a man exposing himself crossed the line of acceptability. An image used in an internet advertisement (Kinki Gerlinki - 0189/14) was of the 1950s cartoon character The Flash holding open his raincoat to flash a woman who has her hands covering her face with text including the words "Flash Sale". The other (Boettcher Realty-Rentals - 0145/14) used an image of a man from behind who is wearing a raincoat which he is holding open with the text including the words "The perfect address for exposure". In the Board's view the images used in connection with the text amounted to depictions that would bring the idea of nudity and inappropriate exposure to the minds of children and that the depictions were not appropriate for a broad audience which would include children.

The use of clever camera angles and props such as a hedge to hide a woman's nudity (Mayo Hardware - 0132/14) provided for a level of nudity which, in the Board's view, was not inappropriate for the relevant broad audience which would include children. The exaggerated and humorous depiction of a man exposing his chest and nipples (Internode - 0282/14) was also viewed by the Board as not amounting to a depiction of nudity which was inappropriate.

In the Board's view it is normal to be naked when bathing or showering with complaints dismissed about an advertisement showing people in a bath (AAMI - 0338/14), and advertisements showing female bodies and bare skin for toiletry products such as body wash (Beiersdorf Pty Ltd - 0135/14), and body moisturiser (Ego Pharmaceuticals - 0384/14) also deemed acceptable due to tasteful nudity which was not inappropriately sexualised.

Suggestive phrases and acts

Explicit references to sexual acts are usually viewed negatively by the Board. In 2014 an avant card (Mardi Gras Sydney - 0032/14) with an image of a naked man on top of a woman dressed in fishnet stockings and heels was viewed by the Board as showing no connection to the event being advertised, was a sexualised image that could easily viewed by children and by a broad section of the community and that the community was also likely to consider the image

highly sexualised. As avant cards are distributed widely throughout cafes, restaurants and other venues this card was found to not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

An internet promotion of a movie (Universal Pictures – 0174/14) featured scenes from the movie where a woman flashes her genitals at a man (hidden from view of the audience) and a man uses shadow puppetry to imply he is receiving oral sex. The advertisement could not be skipped or fast forwarded and was placed prior to a program which was of appeal to families including children. In the Board's view the explicit nature of the scenes along with its placement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

In the Board's view images featuring women and men in highly sexualised poses (Vibes Adult Shop – 0468/14) were not appropriate for display in a window where a broad audience including children could see them. The images included: a woman wearing a black basque and matching briefs, posing with her legs apart; a man standing between the legs of a lingerie clad woman who was hanging from a swing with her knees around his waist and her head leaning back to the floor; and a woman's legs raised in front of her so that her genital region was pointed at the camera.

Mildly suggestive acts or themes dismissed under Section 2.4 in 2014 include a woman taking off multiple layers of t-shirts (Energiser Australia Pty Ltd – 0194/14), a well-known singer dancing with very scant clothing (Dainty Group – 0242/14), a couple who get intimate on a kitchen bench (San Remo – 0118/14), two older people kissing on a bus (Amaysim Australia Pty Ltd – 0382/14), and a woman singing about her cha cha (Hair Free Centre – 0383/14).

Sexualisation of children

The Board and the community continue to hold strong concerns over any imagery in advertising which may exploit or sexualise children. All complaints concerning the sexualisation of children are taken seriously and considered carefully by the Board.

In 2013, research into community perceptions of exploitative and degrading advertising explored the use of children in advertising. This research found that it was unacceptable to use children in advertising for adult products such as sex products, drugs or alcohol, or when the product advertised was not related to children or to family use. The use of children in advertising was considered acceptable if the product was relevant to the child, when children were undertaking childlike activities, and when parents have consented to using their children in the advertisements.

In 2014, one of many images featured in an internet advertisement (Witchery – 136/14) was found in breach of Section 2.4 for presenting material contrary to community standards on sex, sexuality and nudity with respect to children. In the image of concern the girl wore a short skirt and had her legs apart, which the Board viewed as a pose that was more adult than child-like, noting that the camera angle highlighted the shortness of her skirt. The Board view was that the image amounted to a depiction of a child which is sexualised and is therefore not appropriate.

The use of younger-looking women in advertising can raise community concern in relation to inappropriate sexual behaviour. In this regard the Board accepts that there is a genuine community concern about inappropriate behaviour of a sexual nature including grooming and sex offences. This issue was raised by complainants about an internet advertisement featuring a young woman at home listening to a phone call from a male (Chloe Perfume – 0265/14) in which she is depicted as excited and happy to hear the voice of the man on the phone. In the Board's view the woman in this advertisement was young looking but definitely depicted as a young woman and not a child, and although mildly sexualised the advertisement treated the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which could include children.

In an advertisement featuring a photograph of a young girl lying in a hammock and smiling at a camera with text reading, 'I am easy to use' (Nikon – 0415/14) the Board noted that the girl was appropriately dressed and was of the view that her pose was not sexualised. Noting other descriptive text such as 'Learn as you shoot...' and the inclusion of an image of a camera the Board

was of the view that interpretation of the phrase 'easy to use' as being a reference to using the child was an interpretation unlikely to be shared by the broad community.

Images of children and teenagers modelling clothing were considered in advertisements for Target (0084/14 and 0181/14), Pacific Brands Holdings Pty Ltd (0304/14 and 0401/14) and Myer/Grace Bros (0236/14). Complaints received concerned the sexualisation of children with particular note of the poses, clothing choice and make-up worn by children. The Board determined images used were not sexualised or inappropriate, but noted that advertisers should take care when using images of children in advertising. In these cases the Board view was that poses used were typical of the types of positions that children carry out themselves when asked to pose for a photo and were in line with the types of images used in catalogues and not depictions which most reasonable members of the community would find sexualised.

Language (Section 2.5, AANA Code of Ethics)

Research conducted by the Advertising Standards Bureau in 2013 highlighted that the community was conservative in its attitude toward language, especially the use of certain words and where children may hear or view strong language. The Code requires that advertisements contain appropriate language and not include strong or obscene language.

Section 2.5 was the section of the Code under which the highest number of cases were upheld in 2014. This resulted from the language used by one advertiser—in most cases this language was viewed by the Board as obscene.

In all cases raised in relation to language in 2014, the Board considered the medium of the advertisement and the likely audience which may be exposed to the language. Where children may view advertisements, the Board is always more conservative in respect to language acceptability.

Obscene terms

The Board has consistently deemed the word “fuck” expressed in full as a strong and obscene term and to be a breach of Section 2.5. The Board upheld several advertisements used in slogans on campervans (Wicked Campers – 0090/14, 0091/14, 0092/14 and 0200/14) for expressing the profanity in full which children were likely to see.

The use of obscene suggestions along with other profanities is also viewed negatively by the Board. Again, one advertiser was found to breach Section 2.5 of the Code in several instances (Wicked Campers – 0004/14, 0028/14, 0170/14, 0271/14, 0306/14, 0363/14 and 0364/14).

During 2014, this advertiser publicly announced it would remove slogans which the community found offensive and would change its modus operandi to ensure offensive slogans did not continue to appear on its vans. (See also Achievements Section – Report against key result areas/ Executive Report Section / Special Section for more information).

A paper flyer containing six photographs of men wearing clothing which included slogans using the word “fuck” was also viewed negatively by the Board (Clean and Fit Wear – 0517/14). The Board noted that as the advertisement was on print material that was delivered in the mail, it was likely that it could be viewed by a broad audience which would include children. The Board was of the view that not only was the term inappropriate and one that most of the community would find offensive, but that the use of the term in this particular promotion was aggressive and forceful.

Obscured terms

When offensive terms are beeped or obscured, the Board considers the context of the advertisement and whether the term is sufficiently disguised. The use of a beep and pixilation over the mouth of Australian cricketer Shane Warne in an advertisement (Sportingbet Australia Pty Ltd – 0068/14) was viewed by the Board as sufficiently obscuring a possibly offensive term. In another advertisement Shane Warne’s helmet and the use of a beep (Sportingbet Australia Pty Ltd –

0098/14) was viewed by the Board as concealing any possible offensive term.

In the case of a radio advertisement (Just Cremations – 0309/14) the Board view was that although strong language is implied by the need for it to be beeped out, the expletive was entirely beeped out and neither the beginning nor the ending of the word was heard. Another radio advertisement (Boost Juice Bars Australia – 0140/14) which used the phrase “go and get sucked” was deemed acceptable. The Board view was that the double entendre was unlikely to be understood by children and that the word suck is clearly heard and that there is no confusion about what was said.

Religious expressions

Advertisements using religious themed terminology attract complaints about blasphemy or offensiveness to religious beliefs. In 2014, the Board dismissed a case where a couple inspecting a house repeat the term “Oh my God” (Bank of South Australia – 0396/14). The Board views the term as a commonly used declaration which is generally used to indicate disbelief or surprise at a particular occurrence. In this case the Board view was that it was used to highlight surprise and delight, that the phrase was not of itself strong or obscene and that the use of the term was not inappropriate.

In another case the father in the advertisement uses the expression “Jesus” when he realises a baby is holding a condom (Universal Pictures – 0158/14). The Board has previously considered advertisements that have included a similar expression to indicate alarm or surprise. In this case the Board’s view was that although the use of the name Jesus would be offensive to some people in the community based on their religious beliefs, the word is itself no longer considered by the broader community as strong or obscene and would not be considered inappropriate in the circumstances.

Innuendo and sexual references

In 2014 the Board considered sexualised innuendo and suggestive wording in advertisements with terms such as assets, burghasm, shag and wet dreams. The Board considers the audience who may be exposed to the advertisement and is more conservative with advertisements where children may hear or view such language.

A lingerie campaign referring to women's breasts as assets (Target - 0108/14) was cleared by the Board of inappropriate language claims. The Board view was that the theme of the advertisement was not of a sexual nature and that the presentation and discussion about bras was factual and helpful and that the word "assets" in relation to a woman's breasts was not, in this context, language which most members of the community would find to be strong, obscene or inappropriate.

A poster advertisement that highlighting the chance to win a trip to Dubai used the words wet dreams (General Pants Group - 0390/14). Although noting the sexual connotation of the phrase the Board's view was that the reference was closely linked to the competition to win an overseas trip and in the context of a promotion it considered that the advertisement did not use language that was strong or obscene.

The term burghasm (Yum Restaurants International - 0351/14) used in reference to the pleasure experienced by a person when eating a burger was also viewed as appropriate in the circumstances and not a term which would be considered strong or obscene by most members of the community. The Board acknowledged that 'orgasm' has a sexual meaning but noted the placement of the advertisement on the advertiser's Facebook page in determining it did not breach Section 2.5.

A television advertisement promoting a rug sale (Rugs a Million - 0006/14) used a man dressed as Austin Powers saying the phrase "I got a shag." Each time the phrase is used a shag rug is featured. The Board view was that while the advertisement is clearly using sexual innuendo to promote the products on sale the innuendo was relatively mild and it was clear that the actors

were talking about rugs and not a sexual act. The Board was also of the view that young children would be unlikely to understand the cultural reference of Austin Powers or the alternative meaning to the word and considered that the use of the word in the context of a rug sale was not sexualised or inappropriate.

The Board noted that a man's comments at the start of a radio advertisement describing waking each morning with an 'urge' before explaining he means for the baked goods were open to interpretation and considered that some members of the community would find his comments to be of a sexual nature. The Board noted however that the man quickly explains he is referring to the food and considered that the level of innuendo was mild and would be unlikely to be understood by children.

In the Board's view there is a difference between an advertisement using the word 'sex' to promote a sexual performance enhancement product and an advertisement promoting a movie with the word 'sex' in its title (Sony Pictures Releasing Pty Ltd - 0313/14). In this case the advertised product is a movie called 'Sex Tape'. Although the size and red colouring of the wording did make the words more visible, in the Board's view the placement of images of the two main actors in front of the wording lessened the impact of the words and as such they were not inappropriate for use on an advertisement which can be seen by children.

Acceptable terms

A variety of terms raised concerns during 2014. The terms are often those used in the Australian vernacular and most often are viewed by the Board as acceptable.

A lingerie campaign attracted several complaints for using the word "boobs" in transport (Pacific Brands Holdings Pty Ltd - 0385/14). Concerns surrounded the use of the word "boobs" in public areas where children may be exposed to the language. As with advertisements used previously in this campaign the Board determined that the word "boobs" was not strong, obscene or inappropriate and that the term is common slang, used in a manner that is consistent with modern Australian vernacular, and a word that many

women use in relation to their own breasts. The addition of a descriptor and symbols within the word itself did not alter the overall tone of the word and in line with its decision in the previous case (0368/13) the Board felt the advertisement was not strongly sexualised and was likely to be seen as being in the context of a brand which sells bras.

One of the most complained about advertisements in 2014 was for sanitary pads (Johnson & Johnson Pacific Pty Ltd - 0069/14). Concerns about terms used such as "bled" and a scene with a girl questioning putting a tampon "up there" were viewed by the Board as correct in the context of the advertised product. The Board noted that some members of the community would prefer for the whole subject to not be advertised but in its view the language used was not inappropriate in the circumstances and was not strong or obscene.

The terms "smoko" (Lion - 0252/14) and "bugger off" (eatnow.com.au - 0207/14) were seen as being acceptable Australian vernacular. In the case of the term "smoko" the Board took into account the origins of the word "smoko" as being from a period where the break time at work was used to smoke a cigarette, that many trades people still commonly use the term, but that today, while it is used to indicate a break from work, it is no longer only used to mean a designated time to have a cigarette. The Board view was that most members of the community would consider that the term is acceptable.

The Board has consistently determined that use of the term "bugger off", in a context that is not aggressive, threatening or demeaning, is not language that is strong or obscene. In the case of the online food ordering service the Board view was consistent with previous determinations in that the term was used colloquially to relate to the readers' lack of interest in cooking and to show that ordering takeaway was an easier option.

The word "tosser" featured in two advertisements (Southern Waste - 0042/14 and Environment Protection Agency - 0152/14) to describe people littering. Some concerns were raised about other possible definitions of the term, but the Board considered in each of these cases the term was used in the context of someone who has tossed

something on to the ground which was consistent with its dictionary definition and that children would be unlikely to understand the possible double entendre.

An advertisement in a responsible drinking campaign (Dept Premier & Cabinet NSW – 0457/14) featuring a man in a cell with the text, ‘Out for a piss-up? Stop before it gets ugly.’ was viewed by the Board as using the word “piss” in a manner consistent with its colloquial use.

Children using bad language

The Board takes a stricter view of strong, bad or disrespectful language when it is spoken by a child rather than an adult. In 2014 the Board upheld complaints about an advertisement in which a child referred to the driver of a vehicle as both a “tool” and a “loser” (Kingston Park Raceway – 0270/14). In this instance the Board noted the aggressive way in which the child is speaking and the abusive delivery of the comments and viewed the use of the words, “tool” and “loser” in the context of an abusive delivery by a child to another person amounted to language that was inappropriate in the circumstances.

Gestures

Gestures are used as communication and in conjunction with language and as such the Board considers complaints about gestures used in advertisements under Section 2.5 of the Code.

A billboard using the image of a large electricity lead with the prongs at the end of the plug formed in a way so that the plug has the middle prong extended to appear like a hand giving “the bird” (powershop.com.au – 0045/14) was considered under Section 2.5. The text read “Shall we tell your power company or do you want to?” The Board view was that it was less likely to be understood by young children as a rude gesture because although the image in connection with the text alluded to an offensive gesture, the plug was a stylised image and not as easily seen as a particular gesture.

Health and safety (Section 2.6, AANA Code of Ethics)

Section 2.6 of the Code applies to health and safety issues and covers a diverse range of concerns including wearing the correct protective gear, bike and motor vehicle safety, safe practices around animals and depictions of smoking, drinking and gambling and even bullying.

The Board must uphold complaints where an advertisement depicts material that is contrary to prevailing community standards on health and safety under Section 2.6 of the Code. There are no defined community standards under this section; it is the Board’s role to present its views on what an appropriate community standard is considered to be in relation to a particular issue.

Complaints about health and safety raised less than 10 per cent of complaints in 2014.

Depiction of drugs, smoking, drinking and gambling

There has been increasing concern reflected in complaints about addictive activities being promoted through advertising; particularly the promotion of alcohol, gambling, smoking or drugs.

Drug use and depictions which suggest drug use are viewed negatively by the Board. Concerns were raised about an image on the Facebook page of a coffee company (Fresh One – 0213/14) which featured an image of a syringe next to some coffee beans with text reading “Get your Fresh One hit today”. The Board viewed the image of drug paraphernalia and the clear reference to drug use, as a depiction which strongly suggests material, specifically drug use, that is contrary to prevailing community standards on health and safety and that it was not appropriate in the context of a coffee advertisement.

The Board also takes a dim view of glamourised smoking imagery in advertisements. However, in 2014 the Board considered an advertisement where a character in a movie was depicted lighting a cigar (Roadshow Film Distributors Pty Ltd – 0325/14). The advertisement promotes a movie and features the cast members including Sylvester

Stallone who is depicted lighting a cigar. Sylvester Stallone is depicted in the context of the character he is playing in the advertised movie. The Board view in this instance was that Stallone does not stand out because of the number of actors depicted in the advertisement and the stylised but unrealistic drawing was intended to evoke an iconic movie character and scene and did not glamourise smoking.

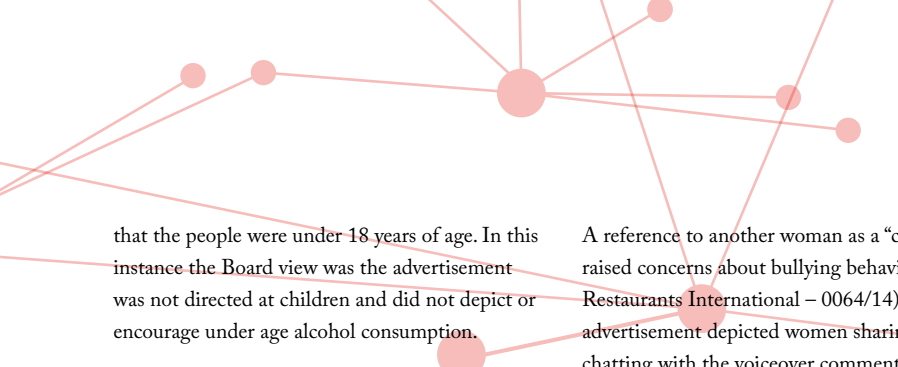
An advertisement urging people to stop smoking (Johnson & Johnson Pacific Pty Ltd – 0022/14) which depicted people overcoming their urge to smoke in different real-life situations by using the product advertised, was also cleared by the Board. In this case the Board’s view was that the advertisement did not encourage, condone or glamourise smoking but reinforced the idea of quitting smoking.

All advertisements concerning alcohol are referred to the Alcohol Beverages Advertising Code (ABAC) committee and also considered by the Board if Code of Ethics issues are raised.

Concerns raised about situations or suggestions encouraging the excess or unsafe consumption of alcohol are considered by the Board under Section 2.6. In 2014 this issue was raised about two bottle shop advertisements (Woolworths Supermarkets – 0020/14 and 0378/14). The first was to promote in-store specials and the second to highlight the variety of whisky types which could be found in store. In these cases the Board was of the view that neither encouraged or condoned excess consumption of alcohol, but rather the specials available and the options which adults had in purchasing a father’s day gift.

The Board also cleared an advertisement of excessive consumption (Jim Beam Brands Australia Pty Ltd – 0043/14) due to text on the screen making it clear that giant cans being carried by a helicopter and deposited in a swimming pool did not contain any alcohol. Together with this statement no people in the advertisement were seen drinking.

Underage drinking also raises concerns. A billboard located near a school depicting males drinking beer while camped near a beach (Lion – 0063/14) did not lead to the logical conclusion



that the people were under 18 years of age. In this instance the Board view was the advertisement was not directed at children and did not depict or encourage under age alcohol consumption.

Community concern about gambling continued in 2014. In making its determination the Board considers the genuine community concern regarding excessive gambling and notes the problems associated with gambling for certain members of society. While no cases were found to breach the Code in 2014 in relation to this issue the Board expressed the need for advertisers to take care not to encourage the idea that gambling is more important than anything else (Tabcorp – 0324/14). In this case the Board view was that showing a game on which someone has placed a bet being more interesting than a cat was intended to be humorous and was not suggesting that gambling is more important than issues of real concern.

Other cases dismissed in relation to concerns about promoting excessive gambling included advertisements for an online gambling agency (Ladbroke.com.au – 0355/14 and 0443/14) which promoted its account card, another describing a betting offer (Sportsbet – 0405/14) titled “Bet-Tember”, and an advertisement with a theme of striving to do better (Tom Waterhouse – 0426/14)

Bullying (non-violent)

Behaviour which may be considered bullying is considered by the Board under Section 2.6 (health and safety) for non-violent bullying or Section 2.3 for violent acts.

Concerns about two women making derogatory remarks about each other's height were considered in relation to non-violent bullying (Fosters Australia, Asia & Pacific – 0086/14). Noting that the height difference is exaggerated to increase the comical side of the banter between the two, that neither woman seemed visually upset by their banter and that they both continue to effectively work throughout the encounter the Board viewed the depiction of the two women as light-hearted and comical rather than an episode of bullying.

A reference to another woman as a “cow” also raised concerns about bullying behaviour (Yum Restaurants International – 0064/14). The advertisement depicted women sharing lunch and chatting with the voiceover commenting that it is easier to say some things over lunch like, “Tracey’s such a cow”. The Board considered that while the reference to a woman as a cow was not the best example the advertiser could have used, overall the comment was an example of women chatting and gossiping rather than bullying behaviour.

An advertisement depicting the antics of men (Lion – 0096/14) was also considered in relation to complaints that it depicted bullying behaviour. A group of four young men are depicted on an island with a voiceover explaining the etiquette they need to abide to while staying there. In one scene the men move someone while they are sleeping due to the lack of “personal space”. There is no physical contact between the men which in the Board’s view would be considered violent or inappropriate. Noting that the four men in the advertisement are portrayed as mates the Board view was that the most likely interpretation of the advertisement was that it depicts behaviour consistent with mates hanging out and teasing one another rather than bullying.

One other case was considered in relation to non-violent bullying (Yum Restaurants – 0055/14). The advertisement includes a scene of a man’s cubicle filled with packing foam with another workmate taking a photo of the situation. Directly following that scene, the man is seen happily eating lunch with his work peers. The Board view was that this would be considered by most as a practical joke and that harmless practical jokes are common among workplace environments.

An advertisement featuring a woman gloating to a young child that she has beaten her at table tennis (Campbell’s Australia – 0529/14) was viewed by the Board as not portraying, condoning or encouraging bullying behavior, but as one which took a light-hearted tone in which it was made clear the woman was behaving badly.

Unsafe driving

Complaints about motor vehicle advertisements are considered under the FCAI code, but advertisements which are not for cars but include driving scenes may be considered under Section 2.6 for Health and Safety concerns.

Complaints about an advertisement which the Board viewed as encouraging the unsafe practice of burnouts or drifting were upheld. The advertisement shown on Free TV and Pay-TV (Valvoline (Aust) Pty Ltd – 0150/14 and 0192/14) depicted characters driving various vehicles repeatedly doing ‘burnouts’ in front of a group. The Board considered that the advertisement was not clear in its message about choosing the right oil for your car, but more strongly suggestive of the types of ways a car could be driven. In its view the advertisement depicted scenes that young adults would relate to and that the approach did undermine the importance of driving carefully and within the law. These advertisement were modified by the advertiser and further complaints were received (Valvoline (Aust) Pty Ltd – 0327/14 and 0328/14). In the modified versions there are no depictions of driving practices such as burnouts. Although scenes show the vehicle seemingly being driven at speed, the Board noted there was no indication of the speed the vehicles are travelling and that the vehicles remain in control at all times. Overall, the Board viewed the modified versions as not depicting material contrary to prevailing community standards on safety, specifically responsible driving.

Exaggerated and unrealistic footage along with comical, light-hearted fantasy were not viewed as encouraging or condoning illegal driving practices. One advertisement (National Australia Bank Ltd – 0040/14) used scenes taken from a TV series filmed in the 1970s, the “Dukes of Hazard”. The Board considered that younger viewers seeing the advertisement would recognise the footage as being old-fashioned and stylised and that the clear exaggerated and unrealistic nature of the footage made it obvious that the scene is a stunt from an old-style television program and not a depiction that would be considered contrary to prevailing community standards on health and safety. The other depicted an older couple (McDonald’s Aust

Ltd – 0076/14) whose car starts to bounce in time to music after it hits a pothole. The Board viewed the portrayal of the elderly couple in the advertisement as clearly fantasy and that the light-hearted nature of the advertisement was clearly intended to reflect that the likelihood of the occurrence as unrealistic and comical.

An advertisement in which a driver swerves to avoid a cat (AAMI – 0516/14) was viewed by the Board as an exaggerated, humorous scenario and one in which most viewers would recognise the comedic and unrealistic nature of the advertisement. The Board was of the view that by demonstrating what not to do in such situations, the advertisement did not depict material contrary to prevailing community standards on driving safely and that it did not encourage or condone unsafe driving.

Unsafe behaviour

Only one advertisement was found to breach Section 2.6 of the Code in relation to unsafe behaviour during 2014.

An advertisement including scenes where nail guns were used in a similar fashion that could be likened to scenes from an action movie was not viewed favourably by the Board (Builders Academy Australia – 0410/14). With the likely audience for the advertisement being young adults and in view of the serious nature of workplace health and safety issues in the construction industry, the Board view was that the advertiser should take care in the portrayal of activities that the community may consider inappropriate or unsafe. The advertisement was found to breach Section 2.6 for depicting material contrary to prevailing community standards on health and safety in the workplace.

In an advertisement showing a woman getting into a car with a man she meets at a roadside fruit stall, the Board decided that concerns around stranger danger were unlikely to be shared by the broader community (Chrysler Australia Pty Ltd – 0203/14). Noting that it is not possible to determine whether the woman did know the man driving the car—although it is clearly the suggestion that she does not—the Board viewed the theme of the advertisement as fictitious and

light hearted and that the advertisement did not condone or encourage unsafe behaviour around strangers.

Scenes consistent with summer-time activities on Australia's beaches and waterways also featured in concerns about unsafe behaviour. These included a scene showing children wearing shorts, shirts, but no hats (Surf Life Saving Australia – 0059/14), and depictions of activities in which people have become sunburnt (Pacific Equity Partners – 0008/14). In these cases the Board view was that neither of the advertisements discouraged unsafe behaviour and did not include depictions which amounted to actions that are contrary to prevailing community standards on health and safety.

A young man jumping off a jetty into a dam (Evocca College – 0379/14) also raised concerns about unsafe behaviour. Consistent with previous determinations, in the Board's view there was nothing in the advertisement to suggest that the area had not been thoroughly assessed prior to the activity. The Board noted that the advertisement was highly stylised and depicted a body of water which appeared to be safe for swimming and there was no suggestion that this water was not safe to jump into or that the man had come to any harm.

In a case related to consumption of caffeine by children (Cantarella Group – 0253/14) the Board took a view consistent with a previous determination (0441/13). In the previous case and in this case the featured character, from a popular television series, was recognisable by many members of the community. Noting that his role in the advertisement is in line with the character from the program and that it was not unusual to see him taking on an adult persona, the Board view was that his behaviour did not necessarily promote coffee consumption by teenagers. The Board also took into account dietary guidelines suggesting that coffee is not suitable for young children and noted that the advertisement clearly states he is only allowed one per day, which clearly suggesting limitations on the consumption of coffee.

An advertisement featuring a woman throwing a lighter over her shoulder which sets fire to a piano (Diageo Australia Ltd – 0474/14) was viewed by

the Board as very unlikely to encourage copycat behaviour and did not encourage or condone the setting on fire of objects within a house or anywhere else. The Board noted the stylised and unrealistic nature of the actors' behaviour in the advertisement.

Fantastical elements

When considering advertisements under Section 2.6, the Board can dismiss health and safety concerns if the imagery has elements of fantasy and are obviously unlikely or fictitious.

The Board viewed an advertisement featuring a young boy and his father rising up in the middle of a battle arena in their pyjamas (Samsung Electronics Aust Pty Ltd – 0248/14) as clearly unrealistic and stylised in dismissing concerns about material that was contrary to prevailing community standards on program choice, particularly under the supervision of an adult.

Safety in the home

Health and safety issues in and around the home were considered by the Board in 2014.

While there is genuine community concern relating to child safety and particularly newborn and young babies in cots, the Board view was that it would be unlikely that parents would adjust or modify safety practices regarding children's cots based on a fleeting scene in a cosmetic advertisement (L'Oréal Australia Pty Ltd – 0409/14). The advertisement opened with a fleeting shot of a baby lying in its cot with its head on a pillow and bumpers.

An advertisement which includes a scene where a woman is using a blade to shave a man's face (Beiersdorf Aust Ltd – 0224/14) was cleared of concerns about depictions of unsafe practices. The Board acknowledged that using a blade on someone's face requires care but considered that in this instance the woman was depicted in control and aware of what she is doing and how she should do it. The Board view was that the shaving scene was brief and in the context of advertising a shaving product the scene was not inappropriate and does not encourage or condone the unsafe use of a blade razor.

In upholding complaints about an advertisement depicting a man lying, face down on an illuminated sun bed (True Value Solar – 0432/14) the Board noted significant community debate and concern regarding sun beds and the dangerous side-effects associated with them. In coming to its view, the Board noted the advertiser's response that the advertisement depicted a collagen bed which does not emit UV rays, but was of the overall view the audience would not know this and that the depiction of a popular football coach using what appears to be a sun-tanning bed was a depiction which normalises, and could encourage, the use of a sun bed.

Protective gear

Bicycle helmets are a safety requirement and as such an advertisement depicting an image of a female cyclist using a bicycle without wearing a helmet was upheld (Unilever Australasia – 0126/14).

Advertisers were warned to ensure they make home renovators aware of the dangers of not using appropriate protective gear (Knauf Insulation Ltd – 0256/14). Complaints about this advertisement were upheld as it showed people installing insulation wearing gloves but no other protective clothing.

Advertisements about the way tools are used by tradespeople included concerns about a handyman shown using just one hand to hold a power saw while his other hand holds the piece of wood he cuts (Worx – 0388/14). While not an ideal depiction, the Board cleared the advertisement as it considered the handyman appeared to be experienced and his technical ability was in keeping with someone who was confident and competent in construction and the use of power tools.

Other health and safety issues

Section 2.6 of the Code encompasses a diverse range of issues which raise community concern over materials contrary to prevailing standards of health and safety. Other Section 2.6 issues considered and dismissed by the Board include:

Advertisements which used the sound of a siren (Wholesale Paint Group – 0159/14 and World Mark Motor One – 0160/14). In both cases the Board view was that although the sound of a siren may draw the attention of the audience the use of the siren was clearly not realistic and the advertisement did not depict any material contrary to Prevailing Community Standards on health and safety.

The hygiene issue of having a bath with a dog was considered in one case (AAMI – 0397/14). The Board view was similar to a previously considered advertisement from the same advertiser where human members of a family shared the same bath water (0338/14). Its view was that the man's reaction to the situation emphasised it was not a good idea to share a bath with your pet dog.

The issues of negative body image and eating disorders were raised in concerns about an advertisement for a laxative (Mentholatum Australasia Pty Ltd – 0387/14) in which a woman holds a laxette in her hand and the text reads "treat for your tummy". The Board considered that the woman in the advertisement did not appear excessively thin or appear to look unhealthy. The Board took the reference to the product as being for a person experiencing an upset or "unhappy" tummy and was of the view that most members of the community would understand that it was an advertisement promoting a product that is designed to treat a specific health condition and not suggesting that laxatives should be consumed as a treat.

Food and Beverage Advertising

There are a range of self-regulatory Codes and Initiatives which control advertising of food and beverages and advertising to children generally.

It is important to note the scope and intention of these Initiatives and of the AANA Codes which also regulate food and beverage advertising. These Codes and Initiatives do not purport to prevent advertising of food and beverages to children.

AANA Food and Beverages Advertising and Marketing Communications Code

The ASB administers the AANA Food and Beverages Code (the AANA Food Code). The AANA Food Code has provisions around advertising food and beverages generally. Part 3 of this Code has specific restrictions around advertising food and beverages to children and these are discussed below in relation to cases under the Food Code.

During 2014, 19 cases were considered under the AANA Food Code, 12 of which were **also considered under the RCMI or QSRI and are discussed below.**

The key issues to be drawn from cases considered primarily under the AANA Food Code during 2014 relate to truth and accuracy.

Section 2.1 - Truth and Accuracy/ Nutritional composition of the product

The truth of claims and statements made in food advertisements is an issue that the Board can consider under section 2.1 of the Food Code. During 2014 a number of complaints concerned the truthfulness of statements made in advertisements for food products including whether or not the following comments in advertising were misleading:

- accuracy of comparative claims: for example protein content of bread versus eggs (Brumby's Bakeries - 0038/14)
- whether free range products 'taste better' than non-free range products (Coles - 0023/14 and 0025/14)
- whether use of images of fruit were misleading in relation to an advertisement for a smoothie which only contained a small percentage of fruit (Hungry Jacks - 0079/14)
- whether the statement 'milk gives you stronger bones' is accurate (Kellogg's -

0232/14) whether the advertising of A2 protein in milk highlights misleading health benefits (Lion - 0272/14)

- whether an advertisement for barista-made coffee is misleading if not all coffee sold is barista made (McDonald's - 0283/14)
- whether depiction of sliced cheese and fresh salad in products that contain only processed or frozen ingredients is misleading (McDonald's - 0376/14 and Hungry Jacks - 0406/14)

In each of these cases the complaint were dismissed. In 2014 only one complaint was upheld under section 2.1 for being misleading or deceptive:

- the use of the words 'fresh' and 'spring' in describing apples was found to be misleading as the apples had been stored in cold storage for a number of months and were not harvested in spring (Coles - 0407/14)

Section 2.2 - Excess consumption and undermining balanced diets

In 2014, one advertisement was initially upheld under the Food Code for promoting excess consumption by showing unrealistic amounts of food for the number of people depicted YUM Restaurants - 0154/14). However, upon reconsideration by the Board, following the recommendation of the Independent Reviewer, this determination was reversed, as the Board determined that the amount of food was not unrealistic for the target audience which was described as being families and groups of friends.

Consistent with previous years' determinations, in the Board's view, while there are rules about how particular foods and beverages are advertised, there is no rule that says treat foods cannot be advertised at all. The Food Code does not restrict the type of product (from a nutritional perspective) that can be advertised.

During 2014 the Board consistently found that the advertising of a product of particular

nutritional profile is not of itself undermining a balanced diet or healthy lifestyle, if the advertisement does not depict or encourage excess consumption or contain messages that would undermine a balanced diet or healthy lifestyle (Fyna Foods - 0101/14, Unilever - 0089/14 and Peters - 0464/14 and 0465/14).

Section 3 – Advertising to children

In line with previous years' determinations (Kraft - 0229/11 and Smiths - 0190/13) the Board found that the use of animation and bright colours in advertisements did not automatically equate to an advertisement with primary appeal to children. In the case 0257/14 (Wendy's), the Board found that the animation used was of equal appeal to both adults and children, and therefore could not be considered as being directed primarily to children.

In some cases food and beverage advertisements were upheld under the QSRI and RCMi Codes, however did not breach the Food Code. In most cases this was because under the QSRI and RCMi Codes food advertisements must promote physical activity and a healthy diet, whereas in the Food Code advertisements must not undermine these principles, but are not required to promote them (Kellogg's - 0033/14 and YUM Restaurants - 0154/14).

Technical Advice

On occasions the information provided by the advertiser will be technical and it is beneficial for the Board or Bureau to obtain independent expert advice on the information so that it is able to be presented to the Board in terms that are easy to understand and/or support, or otherwise, the statements made by the advertiser. During 2014 the Board consulted with an independent expert in the following cases: (Kellogg's - 0232/14 and Unilever - 0399/14).

The Quick Service Restaurant Initiative

Complaints under the QSR Initiative, under the umbrella of the Australian Food and Grocery Council (AFGC), are administered by ASB. The QSRI obliges signatories to ensure that only food

and beverages that represent healthier choices are promoted directly to children and to ensure parents or guardians can make informed product choices for their children. The Initiative applies to advertising to children under 14.

In 2014 only four cases were considered under this Initiative, one more than in 2013, but significantly lower than the 15 cases considered in 2012. Three breaches of the QSR Initiative were found.

Key issues to be drawn from cases considered by the Board during 2014 are:

- **the advertisement must be in media directed primarily to children** (or with a high child audience) or be of itself directed primarily to children. Case 0154/14 (YUM Restaurants) concerned a television advertisement that was unknowingly broadcast in children's time slots due to network changes. With 11 recorded instances of this advertisement being viewed in children's viewing time and the product not being a 'healthier' dietary choice, the Board determined the advertisement was in breach and upheld complaints.
- **An interactive game** (available for download from the internet) **was determined to be a marketing communication** for McDonald's and McDonald's products (0166/14). The Board noted that this product was directly targeted to children, in terms of themes and visuals used, however as only the healthier option was shown in the game, and the game did promote a healthy lifestyle, the Board dismissed the complaint.
- **Food vouchers must not be given to children unless they feature a healthier-choice option.** S1.5 of the QSRI states that vouchers for food cannot be given to children as awards or prizes unless those foods meet the Nutrition Criteria. In 2014 two advertisements were found in breach for distributing vouchers to children, one with no items shown, and one with unhealthy choice items shown, and the healthier choice option only mentioned (McDonald's - 0230/14 and 0360/14).

The Responsible Children's Marketing Initiative

Complaints under the Australian Food and Grocery Council's RCM Initiative are also administered by the ASB. This initiative applies to advertising to children under 12, and limits marketing communications to children only when it will promote healthy dietary choices and healthy lifestyles.

In 2014 the Board considered seven cases under this initiative, slightly less than the nine in 2013. Of the seven cases, two were upheld.

Placement of advertisements

In 2014 the definition of media under the RCMi was broadened to include advertiser websites. In 2014 a number of cases were considered in relation to this medium (Unilever - 0089/14, Kellogg's - 0033/14 and Lion - 0075/14).

0033/14 (Kellogg's) was an interactive online game that required the purchase of the product to play. The Board found that this was enough to determine the online game was an advertisement for the product, regardless of visuals in the game itself.

An advertisement that was shown on the children's channel Nickelodeon was found to be directed primarily to children by its broadcast on that channel (Unilever - 0399/14).

Advertisement directed primarily to children (visuals, theme and language)

The Board reiterated in several cases that for advertisements that are not shown in children's programming or in programs with a high child audience, to come within the RCMi the Board must find that the advertisement is aimed in the first instance at children. Although an advertisement may be attractive to children, the Board can determine that an advertisement is not directed primarily to children and therefore the RCMi does not apply (Kellogg's - 0221/14 and Nestle - 0097/14).

The Board considered a number of cases which involved interactive games on advertiser websites. In determining whether these marketing communications were aimed at children, the Board found that requiring log-in details and/or a date of birth to play the games was good practice, however this did not mean the medium was not directed primarily to children (Kellogg's - 0033/14, Unilever - 0089/14 and Lion - 0075/14). In determining whether the games were directed primarily to children the Board examined the visuals, themes and language of the advertisements. In a number of cases animated games with familiar cartoon characters were found to be directed primarily to children (Kellogg's - 0033/14, Unilever - 0089/14 and Lion - 0075/14).

In 0205/14 (Nestle) the Board found an advertisement for a chocolate bar which featured animated characters and bright colours, was not directed primarily to children, but would appeal to a more general audience. The Board considered the themes in the advertisement were slightly complex and the use of adult characters and voices meant the advertisement would be attractive to older audiences.

In contrast an advertisement which featured bright colours and animation, was found to be directed primarily at children because of the simple theme, and the use of only children in the advertisement (0399/14 Unilever).

Elements of an advertisement

Across 2014 the Board considered that:

- The use of a familiar cartoon character is not necessarily enough to determine an advertisement is for an associated product, if that product is not referenced (Unilever - 0089/14 and Lion - 0075/14).
- The use of bright colours is also not enough to indicate that the advertisement is directed primarily to children as it may also be equally attractive to adults (Kellogg's - 0221/14).
- The use of animation alone is not enough to indicate that the advertisement is directed primarily to children, if the tone and style of the animation is one that would be equally attractive to adults (Nestle - 0205/14).

Advertising messaging

Under the RCMI the product advertised must represent a healthier dietary choice and the advertising and/or marketing communications must reference, or be in the context of, a healthy lifestyle, designed to appeal to the intended audience through messaging that encourages:

- good dietary habits, consistent with established scientific or government criteria, and
- physical activity.

Encourage good dietary habits

In 0033/14 (Kellogg's), the Board determined that the omission of any messaging about healthy dietary behaviour in an online interactive game, was in breach of the Initiative, even though the advertised product was one which met the healthy dietary choices criteria.

In 0089/14 (Unilever) the Board found that messages encouraging a balanced diet were enough to encourage good dietary habits:

"The Board acknowledged that there is considerable difficulty for advertisers on a website platform to reflect this type of messaging and considered that in this matter there was sufficient information around good dietary habits. The Board noted that the website, incorporates on-screen messages of "Enjoy ... as a treat within a balanced diet" and "true heroes balance energy intake with activity" on every page of the website. The Board noted that the messaging is written in simplified language that could be understood by children."

Similarly in case 0075/14 (Lion) messaging on the site encouraging healthy eating in simple language attractive to children was enough to meet this requirement.

However, the Board found that similar messaging in a television advertisement was not enough to encourage healthy eating choices, as the text was less noticeable when viewed with the movement and sound on screen (Unilever - 0399/14).

Encourage physical activity

In 0033/14 (Kellogg's) the Board found that an interactive game which encouraged children to pretend to play the drums, was enough to encourage physical activity:

"The Board noted that the activity itself of playing the game on the computer was not a game that required a lot of physical activity per se. The Board agreed that playing a real set of drums would most definitely require physical contribution. The Board considered that the game itself did not have to include intense physical activity for the player but that the message that the game was delivering was a positive message that would likely encourage children to actively get involved in playing music or imaginative games involving music and movement. The Board considered that the advertisement did encourage physical activity".

Similarly, the Board found that wording on a website which encouraged children to stop playing online and have an 'adventure', did amount to encouragement of physical activity (Unilever - 0089/14).

The Board also determined that structured sport or exercise was not required and the image of children playing outside can meet the requirement to encourage physical activity (Unilever - 0399/14).

The Board also found that, depending on context, messages that inform a user when they have been playing an online interactive game for a certain amount of time was one way to meet this requirement (Lion - 0075/14).

Advertising to Children

AANA Code for Advertising and Marketing Communications to Children

The provisions of the Children's Code and Part 3 of the Food Code apply only to advertising which is directed primarily to children (taking into account the theme, visuals, and language used in the advertisement) and which is for products that are targeted towards or of principal appeal to children. The Children's Code applies to all products that are targeted towards or of principal appeal to children – not just food.

In 2014 there were seven advertisements that specifically raised issues under the Advertising to Children Code. Of these, five were advertisements for food products. One complaint was upheld under the Children's Code in 2014.

Sexualisation of children

There were no advertisements directed primarily to children which raised issues regarding sexualisation of children in 2014.

Food advertising

All five food cases considered under the Children's Code were also considered under the Food Code. Two of these advertisements were found not to be directed primarily at children (Wendy's - 0257/14 and Peters - 0464/14) and therefore were not considered under the Children's Code.

Consistent with previous decisions the Board found that advertising of a treat food was not in itself encouraging or promoting an inactive lifestyle or unhealthy eating or drinking habits and therefore no breaches of this code were found (Peters - 0463/14 and 0465/14 and Fyna Foods - 0101/14).

Parental authority

In 2014 the Board considered one complaint for a toy where it was implied that children

without the toy would be 'left behind', however the advertisement itself was found to be targeted at adults and therefore the provisions of the Children's Code did not apply (ZURU Toys - 0311/14).

One advertisement (Mattel - 0522/14) was considered under the parental authority section of the Children's Code, which urged children to add the toy to their letter to Santa:

"The Board considered that the call to action by the voiceover at the end of the advertisement was a call to children to urge their parents to either help them to access the website in order to direct a letter to Santa requesting this toy or from a child's perspective is an appeal to children to urge Santa to provide a present. The Board noted the terms of the Code, "parent, carer or other person" and considering that the Code must be considered from the perspective of a child, the Board considered that this amounts to an appeal to children to urge someone to obtain the toy for them.

The Board considered the term "buy" a product and considered that in the context of a reference to Santa "buy" should be interpreted broadly and would include the suggestion to ask Santa to provide the toy.

The Board considered that the suggestion to "add the toy to your letter to santa.com" was an appeal to children to urge someone to obtain the product for them and this was urging parents to purchase this toy and that in doing so did breach section 2.7(b) of the Children's Code."

Cars - (Federal Chamber of Automotive Industries Code of Practice for Motor Vehicle Advertising)

Motor vehicle advertisements that raised issues under the Federal Chamber of Automotive Industries (FCAI) dropped to less than two per cent of complaints in 2014, compared to the previous year when vehicles were the issue raised in 4.35 per cent of cases.

Key issues in 2014

- Advertisers should note that depicting speed or even an implication of driving at excessive speed can breach the FCAI Code.
- Advertisers should ensure controlled driving is depicted.
- Advertisements need to comply with all applicable road rules, including the use of seatbelts, indicators and fog lights.
- Regardless of where a car is depicted driving, the Board must consider whether the driving depicted would be unsafe if it were on a road or road-related area.
- Care should be taken to ensure damage is not caused to the environment in advertisements depicting off-road driving.
- Advertisers must be aware of the need to meet the intent and spirit of the FCAI Code as expressed in the Explanatory Notes, not just the substantive provisions.

Concerns raised by the community about motor vehicle advertisements in 2014 related to driving practices that may breach the law, excessive speed, environmental damage, and unsafe driving.

Depictions of unsafe driving

Clause 2(a) of the FCAI Code outlines that advertisers should not depict unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory. Complaints under this

section generally include motor vehicles travelling at excessive speed, sudden changes in direction or 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.

The most complained about campaign considered under the FCAI Code in 2014 raised issues under Section 2(a). The advertisement featured a woman singing and moving to music while driving (KIA Automotive Australia - 0231/14). The Board previously dismissed a different version of the advertisement which featured the husband driving the car (0330/11). Noting that the woman appeared in full control of the vehicle at all times and although the woman was singing and performing some dance movements with her body, there was no suggestion that she was not aware of her surroundings and in the Board's view her driving appeared safe and controlled.

In 2014, of all cases considered under the FCAI Code which raised issues under Section 2(a), one was found in breach of this provision (BMW Group Australia Ltd - 0127/14). This advertisement depicted the vehicle swerving and changing direction suddenly, a tachometer showing high engine revolutions, the sound of the engine, and tyre tread left on the road when the vehicle pulls away. In the Board's view this gave the overall impression of a vehicle being driven in a reckless manner which is unsafe.

In contrast, an advertisement promoting pre-owned top of the range cars (Xoticar - 0333/14), where the vehicles are driven on various terrains including grass was found to depict safe and controlled driving. Noting that the vehicles did not appear to travel at excessive speed for the environment and conditions portrayed, that engine noise was consistent with a vehicle accelerating after changing gear,

and a scene where a car is driven on grass and slides slightly did not include a deliberate loss of control, the Board viewed the overall depiction did not encourage or condone driving in an unsafe manner.

Similarly, an advertisement depicting a child waiting for his father and clearly seated a safe distance away from a moving vehicle (Chrysler Australia Pty Ltd 0057/14) was viewed by the Board as depicting controlled driving.

While the start of an advertisement suggested that a vehicle is pulling away at speed (KIA Automotive Australia 0156/14), in the Board's view it was not possible to gauge the speed of the vehicle or to assess whether the vehicle would be traveling at excessive speeds for the environment in which it is being driven. Noting there were no speed limit signs visible in the advertisement that the text "filmed under controlled supervision on closed roads" appeared at the bottom of screen, the Board viewed that the overall suggestion was of a vehicle being driven in a manner which is appropriate for the conditions and was not unsafe.

Driving in excess of speed limits

Clause 2(b) of the FCAI Code requires that advertisements for motor vehicles do not portray people driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast.

An advertisement in which a vehicle is driven along a beach toward a seaplane (Mitsubishi Motors Aust Ltd - 0506/14) raised an issue under Section 2(b). Noting the Section 2(b) requirement of relevant jurisdiction the Board was of the view that as the advertisement was filmed on beaches where speed limits can range between 5km and 80km per hour and there were no speed limit signs visible in the advertisement, both in the

scenes showing the vehicle travelling on public roads and when it is travelling on the beach, it was not possible to gauge the speed of the vehicle or to assess whether the vehicle would be traveling at speeds in excess of the relevant speed limits. Overall the Board was of the view that the driver appeared to be in full control of the vehicle at all times and the vehicle did not appear to travel at speeds which would be dangerous, inappropriate or illegal.

Driving practice that may breach the law

Clause 2(c) of the FCAI Code requires that advertisements for motor vehicles do not portray 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.

In the Board's view the depiction of safety features of a motor vehicle does not represent the promotion of unsafe driving practices (Mazda Australia Pty Limited – 0413/14). In this case concerns were raised that the driver used only the wing mirror and blind spot mirror to change lanes. Noting the controlled actions of the woman driving, and that she checked side mirrors at the sound of a blind spot alert, the Board was of the view that most members of the community would understand that the addition of the extra features within the vehicle were there as driver aids and were not the sole mechanism to be used when driving.

The same view was taken about an advertisement promoting the benefits of a reversing camera and other features of a vehicle (Honda Australia Pty Ltd – 0412/14). The Board agreed the intention was to show that the car advertised had more features and inclusions that made it better than similar style vehicles and that one of the inclusions of the vehicle was the reversing camera.

Dog restraint laws for each state and territory vary, although there are restraint requirements when transporting an animal on the open back of a vehicle or utility vehicle, as well as rules against

operating a vehicle with an animal in the driver's lap. In considering an advertisement which depicts a dog jumping into the back seat of a car (Nissan Motor Co (Aust) Pty Ltd – 0202/14) the Board took into account that the dog is seated in the middle seat of the second row of the vehicle and does not distract the driver. While also noting there is a strong recommendation to have dogs restrained inside a vehicle in order to avoid unnecessary harm, the Board took the view that overall the advertisement did not depict unsafe or illegal driving practices.

Window tinting was also considered in relation to Clause 2(c) (Nissan Motor Co (Aust) Pty Ltd – 0316/14). Laws regarding tinting windows of vehicles vary between each State and Territory. Noting the advertisement was viewed in NSW, the Board considered the advertisement in relation to the rules applied in that State. In the advertisement it was possible to see the interior of the car and in the Board's view the windows did not appear to be darkened through illegal tinting and the advertisement did not depict, condone or encourage the illegal practice of blacked out windows in motor vehicles.

Environmental damage

Clause 2(e) of the FCAI Code requires that advertisements for motor vehicles do not portray deliberate and significant environmental damage, particularly in advertising for off-road vehicles.

Concerns that an advertisement depicted images of driving in environmentally sensitive locations and encouraged hoon behaviour were dismissed (Isuzu – 0408/14). In this case the Board view was that while some people may consider that environmental damage can be caused by any incursions by people in vehicles into off-road areas, the vehicle in the advertisement was shown driving over sand and through streams in a cautious manner which was not intentionally damaging to the environment. Another advertisement (Mitsubishi Motors Aust Ltd – 0506/14) where the vehicle is driven on a beach was viewed by the Board in a similar light. In this case the Board was of the view that driving a vehicle on a beach where such driving is permitted does not depict, encourage or condone intentionally damaging the environment.

Clause 4 of the FCAI Code was also applied to two advertisements in addition to Clause 2(e). Clause 4 relates to depiction of off-road vehicles and states: 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.

Showing a 4WD (Nissan Motor Co (Aust) Pty Ltd – 0144/14) or SUV (Isuzu – 0138/14) driving through off road terrain is not of itself a depiction that is viewed by the Board as environmentally damaging. In the advertisement for the 4WD the vehicle is taken on country roads, through a cornfield and through a warehouse facility. The SUV is shown driving on a sealed road before turning on to an unsealed gravel track, traversing a creek crossing and driving down a rocky track before turning in a grassy field. The Board was of the view the paths taken by the vehicles in both advertisements were indicative of the types of terrain that would be within the capabilities of the vehicles advertised and as such the advertisements did not depict deliberate and significant environmental damage and did not breach clause 2(e) or clause 4 of the FCAI Code.

Other provisions

There were no complaints in 2014 considered under the other provision of the FCAI Code 2(d) relating to issues such as driving when fatigued or under the influence of alcohol or drugs.

Advertising Standards Board retirees - 2014

Long-serving Board members Barbara David, Khoa Do, Sibylla Budd and John Lee (pictured) were farewelled from the Advertising Standards Board at a recent function. Also retiring from the Board were Jo Tiddy, Nathan Hindmarsh and Jaime Phillips.

Khoa, Sibylla, John and Jo had served on the Board since August 2006, while Barbara was appointed in August 2008 and Nathan and Jaime in August 2011.

All retiring Board members were thanked for their dedication to the Board and their service to the community in ensuring advertising standards in Australia remained reflective of community standards.



Board member profiles



GIULIANA BAGGOLEY

Appointed August 2011

Giuliana Baggoley is an optometrist and State Eyecare Manager with Luxottica.

A former Policy Adviser with Optometry Australia (OA), Giuliana has previously served on OA state councils and is a member of the ACT Clinical Senate.

The majority of Giuliana's professional life has been spent in rural and regional Australia and she now lives in Canberra where she is married with two young children.

Giuliana's interests include health, media and the arts. Giuliana thrives on community involvement.

"I love people's stories and I value how different experiences and lifestyles enrich a community."



JACK MANNING BANCROFT

Appointed August 2011

At 29 years of age Jack Manning Bancroft is the CEO and Founder of AIME. In 2005, then a 19-year-old uni student, Jack founded the AIME Program with 25 Indigenous kids in Redfern. AIME incorporated in 2008 and Jack became a CEO at the age of 22.

Jack is now one of Australia's youngest CEOs leading a team of nearly 100 staff across the country. Today, AIME works with over 3,500 Indigenous high school students and 1,250 university student acting as mentors across five states in Australia.

Over the last four years, AIME students have finished school at almost the same rate as every Australian child. By 2018, AIME seeks to expand across the nation to connect with 10,000 Indigenous high school kids annually—that's roughly one quarter of the Indigenous high school population—and have all of these kids finishing school at the same rate as every Australian child.

Jack was named 2010 NSW Young Australian of the Year, 2010 Young People's Australian Human Rights Medallist and received the University of Sydney 2010 Young Alumni of the Year Award.

Jack is also the CEO and a Founder of Phone Free Feb and a graduate of the University of Sydney and Stanford.



SUE BOYCE

Appointed September 2014

Sue served as a Queensland Senator for seven years, retiring on 30 June 2014. She was first elected by the Queensland Parliament on 19 April 2007 to fill a casual Senate vacancy, and then elected in her own right at the Federal election on 24 November 2007.

She is a company director, former journalist and public relations practitioner with experience in Queensland, Victoria, PNG and the UK. She was based in Melbourne for more than 20 years before returning to Queensland, in 1994, to work with her family's manufacturing company which was established in 1926 and employs about 200 people. Sue has a strong understanding of issues faced by Australian business.

While in the Senate, Sue's roles included Chair of the Senate Standing Committee on Community Affairs, and Deputy Chair of the Joint Committee for Corporations and Financial Services.

Sue remains committed to improving the political participation rates of women. She works as a disability advocate and is a past president of the Down Syndrome Association of Queensland (DSAQ).

She is also a past president of the Liberal Women's Council (Qld). She holds a Bachelor of Arts (Hons), a Masters of Business and is a Fellow and Graduate of the Australian Institute of Company Directors.

Most importantly, she is the mother of three adult children and grandmother of four.



MARIA COSMIDIS
Appointed August 2011

Maria Cosmidis is currently employed by the South West Sydney Community Legal Centre as the Executive Officer. The Legal Centre provides free legal advice to those unable to afford a lawyer, and supports many hundreds of women affected by domestic violence every year.

She has a long history of working in the field of multicultural affairs, being the current Chairperson of the Metro Migrant Resource Centre and sitting on that board for over 12 years. Maria is actively involved in many multicultural events and programs in Sydney.

Maria has a Bachelor of Arts/Social Work, and a Masters of Management from UTS, having been granted a scholarship with the Australian Sports Commission's "Sports Leadership Grants and Scholarships for Women" to undertake this further study.

A passionate sport participant and fan, Maria enjoys watching and playing sport and spending time with her young daughter. Being of Greek heritage, Maria and her family travel to Greece regularly.



PAUL DOORN
Appointed September 2014

Paul is Executive Director of Sport and Recreation in the NSW Office for Sport. In this position, he leads the development of strategic directions for sport and recreation in NSW linked to government priorities and NSW 2021 outcomes.

He was Chief Executive Officer of Institute of Public Administration (NSW) between 2009 and 2012.

Paul spent two years working in the Abu Dhabi Education Council managing a major public private partnership program for schools in the Emirate and providing leadership to ensure the delivery of high quality educational support to schools in the Emirate.

He has also worked in curriculum development and as a classroom teacher in the NSW government system. He has a Bachelor of Education, Master of Education and most recently was awarded a Graduate Diploma of Public Administration.

A passionate sport participant and fan, when he's not at work Paul likes to spend time supporting his wife and two daughters in their sporting endeavours, and when time permits you will often find him out in the early morning riding his bike with friends and thousands of other MAMILs.



FIONA GILES
Appointed August 2013

A well-known writer and editor, Fiona is Senior Lecturer and Chair of the Department of Media and Communications at the University of Sydney, where she has worked since 2005. Fiona is on the editorial advisory board of Australian Feminist Studies and Outskirts: Feminisms Along the Edge.

Since graduating in English Literature from Oxford University Fiona has worked in publishing, editing and print journalism and has published six books, 11 book chapters, and numerous journal, magazine and newspaper articles. Her books include Fresh Milk: The Secret Life of Breasts (2003) with her most recent publication, "The Magazine that Isn't": The Future of Features Online published in TEXT in April 2014.

Fiona's current research interests include creative non-fiction, long-form journalism, and feature writing, together with health communications and the role of pleasure in health promotion. She has featured in two documentaries on breastfeeding, Milk Men: Can We Deliver? (2003) and Breast Milk (2012) and is interested in representations of breastfeeding and maternal sexuality.

Fiona lives in Sydney with her two teenage sons.



KAREN HAYNES

Appointed August 2011

Karen is from Brisbane and since 2008 she has been a Queensland Baptist Pastor. She is Associate Pastor at Windsor Road Baptist Church, a Brisbane city congregation. Her ministry primarily focuses on multi-cultural young adults, youth and mission.

She also works for Australian Baptist's Cross-Cultural Agency, Global Interaction. As "Young Adults Consultant" for Queensland, she works across the state to increase awareness and involvement in cross-cultural work. As part of this work Karen meets with young adults from across Queensland, helping them to contribute to mission and community work in countries with the greatest need.

Karen has worked with young people and their families since she was teenager. She began her working career in administration and business roles, after completing a Bachelor of Business, but then changed direction and completed a Master of Divinity. She is currently enjoying learning through the Arrow Leadership program, developing emerging leaders in the Australian Evangelical sector.

In her spare time Karen enjoys being a part of her local community. Libraries and parks are her destination of choice, while she is on a first name basis with the coffee shop owners in the area. She hopes to continue to find ways to contribute to the well-being of her city and local area.



SOPHIE KOWALD

Appointed August 2006

Sophie works at the Australian Communications and Media Authority (ACMA) and recently completed a Master of Laws at the University of Melbourne. Previously Sophie has worked as a research fellow on cross-border tobacco advertising control at the Centre for Media and Communications Law, a judicial associate and as a casual university academic in law and media studies.

For many years, Sophie has been a singer in choirs around the country, including The Australian Voices, Canticum, The Melbourne Chorale and, most recently, the Sydney Philharmonia Choirs. As the mother of two young children, she currently holds memberships with her local playgroup, toy library and breastfeeding association.

Born in Canberra and raised in Brisbane, Sophie is now Sydney-based, but has spent significant amounts of time in Melbourne and on the Gold Coast in recent years.



GINA LEE

Appointed September 2014

Gina was born and grew up in Sydney but some years ago underwent a tree-change and moved to central western NSW with her husband and family. Prior to her move, Gina worked as an intellectual property lawyer in a top tier Sydney corporate law firm. Since then, she has worked as a legal editor and as a government lawyer. She also spent some time working with the community as a criminal lawyer with Legal Aid. She is currently completing her Masters of Laws.

Gina is involved in many aspects of life in the central west—work, school, church and the arts, particularly with the local music conservatorium of which she is an active member and avid supporter. She particularly enjoys playing cello with her local orchestra. She has taught scripture in a local public school, is an involved member of her church and has been active in a local resident action group.

As a second-generation Korean-Australian, Gina has a particular interest in questions of displacement—spiritual, cultural and physical—and completed her undergraduate English Literature Honours thesis on this area.

She is the mother of three children and loves a good cup of coffee with friends, training in Tae Kwon Do and going on long drives.



WILLIAM McINNES

Appointed September 2014

William is one of the most accomplished and popular actors on the Australian landscape today. He has played lead and supporting roles in some of Australia's most successful and memorable productions.

In television, William has shone in dramatic lead roles in *The Shark Net*, *My Brother Jack*, *Blue Heelers*, *Stepfather of the Bride*, *Seachange*, the telemovie *Curtin*, and in *East West 101*. William most recently starred *Dangerous Remedy*, and in *The Time Of Our Lives*.

William has received the Film Critics Circle of Australia Award for Best Actor in 2005 as well as an Australian Film Institute (AFI) Award and a Film Critics Circle of Australia Award in 2007. In 2009, William featured in *Prime Mover* and *Blessed*. In early 2011, William was in the New Zealand feature, *The Hopes and Dreams of Gazza Snell*.

William's stage performances include *Don Juan* for Sydney Theatre Company, *Macbeth* for Melbourne Theatre Company and *Darcy* for both company's landmark productions of *Pride and Prejudice*. Most recently, William appeared in *Equus* for Perth Theatre Company and *My Fair Lady* in New Zealand.

William is also an author of seven books, which he co-wrote with his late wife Sarah Watt, and was awarded the 2012 Indie Non Fiction Book of the Year. His most recent book *The Birdwatcher*, was published in November 2013.

William lives in Melbourne with his two teenage children.



PAULA McNAMARA

Appointed August 2008

Growing up with parents in the hospitality industry, Paula made her first coffee at 15 and has worked in a variety of cafes and restaurants in Melbourne, Sydney and London.

Working in businesses focused on food Paula loves the sense of community and familiarity that builds up over time between regular customers and staff—in a big anonymous city, the local cafe and shops can be a small haven of neighbourliness.

Returning to study Paula recently finished an Arts Degree at Sydney University, majoring in English literature and Australian History. With an interest in theatre, film and television, time constraints have made television her main form of entertainment. She loves documentaries, particularly stories about real people and the challenges life throws our way.

Paula lives in Sydney with her teenage daughter.



NIGEL MILAN, AM

Appointed August 2011

Now a professional non-executive director and executive coach, most of Nigel's career has been in television and broadcasting, in the Australian and New Zealand public and private sectors. Nigel, who has held numerous non-executive directorships in not for profit organisations, was a member of the board of the Fred Hollows Foundation from 1997 to 2007 (Chair from 2002) and National Chief Executive Officer of the Royal Flying Doctor Service (RFDS) from October 2006 until October 2010.

While Managing Director of the Special Broadcasting Service (SBS) from 1998 until 2006, SBS television and radio audiences grew significantly as did the quantity and quality of Australian (including Indigenous) produced programs on the network.

In Australia, Nigel had a successful commercial radio career in CEO and leadership roles in the Macquarie, Bond Radio and ARN networks. He was Chief Executive Officer of Radio New Zealand from 1991-1995.

Currently Nigel is on the Board of the Greater Sydney Local Land Service, Chairs the Advisory Board of The Australian School of Performing Arts and is Chairman of Special Olympics Australia.

He and his wife Judi own a small cattle farm in the Southern Highlands of NSW. His daughter Lucy is a teaching musician and singer who lives in London.



PETER PHILLIPS
Appointed August 2011

Peter grew up in Frankston and now lives with his wife and two young sons, Will and Tom, in Melbourne.

Following university, Peter worked in Canberra as an economist with the Commonwealth Treasury, and has maintained his interest in economics and regulatory policy. Peter is the director of a small regulatory and governance consultancy, specialising in environmental and regulatory frameworks.

He recently assisted the Asian Development Bank launch a red tape reduction program in the Philippines.

Peter has a Bachelor of Economics (Hons), Master of Applied Finance and Master of Regulatory Studies, and is currently working on a regulatory history of Victoria for his PhD. He has a keen interest in Australian history and is in receipt of a research grant to write a history of Australia in the First World War.

Peter is involved in a number of small community groups, and also serves as a Justice of the Peace.



GRAHAM RIXON
Appointed August 2008

Graham Rixon is currently engaged in part-time educational consultancy work particularly in the areas of non-government school registration, reviews of independent public schools in WA, technology in education, strategic planning and executive coaching.

He stepped down as Principal of Penrhos College a Uniting Church School, Perth, Western Australia at the end of 2007 - a position he held since September 1986.

Graham is a passionate educator and has worked on a number of state and national committees aiming to improve the quality of education in both government and non-government schools. He is currently an Educational Consultant for the Western Australian Department of Educational Services.

Graham is the Chairman of the Amanda Young Meningococcal Septicaemia Foundation - a non-profit organisation working in the area of community awareness, survivor and carer support and offering grants for research to develop a Meningococcal Type B vaccine.

Graham grew up in Melbourne where, along with his career in education, he was active with Lifeline and his local Uniting Church. He moved to Perth in 1986 with his wife, Meredith and two children. Graham and Meredith share interests in travel, reading, cycling and kayaking.



ANDREW ROBINSON
Appointed September 2014

Andrew is currently a fourth year medical student at Bond University on the Gold Coast.

He is a passionate member of his local community and has filled various elected roles within the Medical Students' Society of Bond University, founded a surgical interest group and was a councillor on the Queensland Medical Student Council in a student representative capacity.

Prior to studying Medicine Andrew completed an undergraduate degree in Biomedical Science. He has always wanted to study medicine and hopes to volunteer in clinics both internationally and in Australia. Upon completion of his medical degree, he has not decided what he wants to do but does take an interest in Psychiatry and Women's Health.

Andrew has been employed as a disability support worker, cleaner, theatre orderly, barista, bar tender and tutor as well as volunteering in a number of organisations. Further to this he initiated an annual All Abilities Olympics whereby individuals with a disability can engage in a day of fun and healthy competition.

Born in rural New South Wales, Andrew moved to the Gold Coast and has lived there for the past 16 years. When he's not studying Andrew enjoys café hopping with friends and travelling to new places.



SUE SMETHURST

Appointed September 2014

Sue has worked in a diverse range of fields. She has held senior positions in Australian radio, television, and magazines, she is a best-selling author and has created, marketed and successfully sold a premium Australian skin care brand.

Starting out as a cadet at New Idea's Melbourne office in 1996, Sue rose rapidly through the ranks and in 2000 at just 26 years of age, took the helm of the iconic magazine—the youngest woman to edit a major weekly women's magazine in Australia.

In addition to her editorial career Sue has been a radio commentator and worked as a television current affairs show producer and on camera as a social affairs and entertainment reporter. She is also the author of three best-selling books about weight loss and dieting.

Her foray into brand development reflected her keen commercial awareness, a solid common sense market understanding and the ability to devise highly effective strategic promotional and marketing campaigns both nationally and internationally. She cites this as being the critical factor in the successful sale of her skin care brand to a United States pharmaceutical group in November 2009.

Sue is currently contracted to The Australian Women's Weekly, Co-Coordinator of the iconic fundraising event, Open Houses, and she was recently appointed to the Board of the Royal Victorian Eye & Ear Hospital.

In her spare time Sue enjoys running and reading and spending time with her two children.



CRAIG WHITE

Appointed August 2008

Craig is a senior police officer employed with the Queensland Police Service.

Craig has served throughout Queensland including several years working in Indigenous communities in far northern and central western Queensland.

During his policing career he has been involved in implementing a number of publicly funded projects aimed at reducing crime by addressing community issues including substance abuse, domestic violence and high risk behaviour involving youth.

Craig is involved in a number of local community organisations. He holds degrees in policing and business.

Craig is married and has three children. In his spare time Craig enjoys surfing and spending time with his family.



PETER WILLIAMS

Appointed August 2011

Peter Williams is a Fellow of the Dietitians Association of Australia, an Honorary Professorial Fellow at the University of Wollongong and Adjunct Professor of Nutrition and Dietetics at the University of Canberra.

Before working at the University of Wollongong, Peter was the Director of Scientific and Consumer Affairs at Kellogg for three years, and previously worked as the Chief Dietitian and Food Services Manager at Royal Prince Alfred Hospital in Sydney.

Peter has been an active researcher in nutrition in Australia, with over 100 peer reviewed publications. He has served on National Health and Medical Research Council working parties for reviews of Dietary Guidelines for Australia and the review of Nutrient Reference Values, and is a member of the Heart Foundation's Food and Nutrition Advisory Committee. He has also conducted consultancy projects with the NSW Department of Health to help develop nutrition standards for hospital inpatients.

From 2005–2011 Peter was a member of the Board of Food Standards Australia New Zealand and now serves on the Therapeutic Goods Authority's Advisory Committee on Complementary Medicine.

In his spare time Peter enjoys cycling, bushwalking and yoga.

The Advertising Claims Board

The Advertising Claims Board is a purpose-built alternative to expensive litigation. It is a system of alternative dispute resolution directed to addressing and resolving challenges in advertising that might otherwise lead to litigation.

The Claims Board considers complaints which breach Section 1 of the AANA Code of Ethics.

This includes complaints about:

- the legality of an advertisement
- misleading or deceptive advertisements
- advertisements which contain misrepresentations likely to harm a business
- exploitation of community concerns in relation to protecting the environment
- 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 receipt of final submissions from the complainant and advertiser)
- the process is less costly than litigation, with the only cost being fees for the members sitting on the Claims Board and legal and administration costs of the ASB
- the parties have the option of proceeding to usual dispute resolution procedures if desired.

The Claims Board comprises a variable panel of at least three qualified legal practitioners, nominated by the ASB from a Register of Lawyers it maintains. Practitioners on this register have certified to the ASB that they have experience and expertise in the area of advertising and/or competition and consumer law and that they hold a current practicing certificate. They must also certify that they have no conflict of interest in the particular matter.

The Claims Board Procedural Guidelines are available on the ASB website. The ASB continues 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.

Advertising Claims Board cases – 2014

During 2014 the Claims Board resolved three cases, summarised below. Full reports of all cases are available from the ASB website.

Dyson Appliances (Aust) Pty Limited v Samsung Electronics Australia Pty Ltd

The complaint related to a series of advertisements, including television, online, point of sale material and a swing-tag attached to the product, forming part of a campaign for the Samsung Motion Sync Vacuum Cleaner.

The advertiser argued the 'swing tag' should not be considered on the basis it was a product label and therefore "Excluded Marketing or Advertising" under the Code. However, the Board disagreed, noting the swing tag was intended to promote the product and to be removed from the product prior to use.

The complainant alleged the advertisements breached Sections 1.1 and 1.2 of the Code on the basis that they were misleading and deceptive. Two claims were disputed relating to the product's suction and dust sensor function. The advertiser informed the Board that the original claim relating to the dust sensor function had been revised, and as a result both the original claim and revised claim were considered by the Board.

Issue raised by Complainant - The statement, "powerful suction that lasts", which is used in each of the advertising materials, was not substantiated and is therefore misleading because the suction power of the Product "declines both immediately and significantly during use".

Claims Board determination - Dismissed - it is unlikely that an ordinary consumer would consider the claim to mean that the product will stay at peak suction power at all times during usage until the point of bin full. Rather, it may be reasonable to expect that the suction power would decrease, to some extent, as the product approaches bin full. The Board agreed with the advertiser's submissions that the 13% drop in suction power measured by the complainant does not mean that the product does not remain relatively powerful.

Issue raised by Complainant - Claims made about the Dust Sensor feature of the product that "As soon as the area is completely cleaned the light changes to green" were misleading as the user manual states that it functions only as a rough indicator of dust removal.

Claims Board determination - No determination - the Board considered this claim was most likely misleading or deceptive. However, as the Advertiser advised that this wording had been amended, it decided that a final determination was not required.

Issue raised by Complainant - The advertiser's revised claim relating to the Dust Sensor function of the product states "The light changes to green when a large amount of dust has been picked up". The complainant submitted that the revised claim was also misleading because it was inconsistent with the stated function of the Dust Sensor in the product's user manual.

Claims Board determination - Dismissed - the revised wording more correctly reflected the Dust Sensor's functionality. The level of generality in the representation of the revised claim meant that it was likely a reasonable consumer would expect the product's Dust Sensor to only be roughly accurate in its measurement of what constitutes a "large" amount of dust. The Board considered the revised claim was not false, misleading or deceptive.

Finding no breaches of section 1.1 or 1.2 of the Code, the Board dismissed the complaint.

Rheem Australia Pty Ltd v Rinnai Australia Pty Ltd

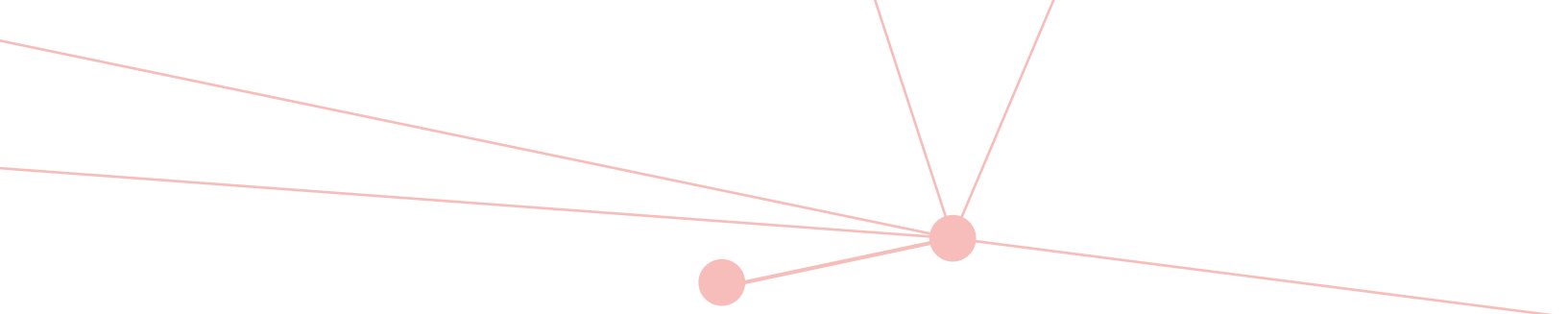
The complaint related to a series of advertisements, including television, online, and point of sale material, forming part of a campaign for gas continuous flow water heaters, specifically the Rinnai Infinity 26 Touch.

The complainant alleged the advertisements breached Sections 1.1, 1.2, 1.3 and 1.4 of the Code on the basis that they were misleading or deceptive, contained a misrepresentation likely to cause damage to a competitor, and exploited community concerns in relation to the environment by portraying misleading environmental benefits of the product.

The complaint alleged breaches in relation to various representations in the advertising relating to safety; environment and energy; product reliability and longevity; and ease and cost of installation.

The Board determined that there were no breaches under section 1.3 of the Code, noting that the campaign made no direct reference to the complainant, its brand or its products. The Board also found no breaches of section 1.4 of the Code. However, it did find breaches under sections 1.1 and 1.2 in a number of advertisements. The following is a summary of the complaints upheld by the Board:

Issue raised by complainant - Claims in a television advertisement falsely represented electric storage water heaters as unsafe, as they are capable of delivering water of excessive temperature. This was contrasted with a depiction of a safe temperature of 38°C, set using the product with the claim "Safe temperature every time". This was misleading as all water heaters are capable of producing water in excess of this temperature, including the product.



Claims Board determination - Upheld - Filling a bath to 65°C was misleading as it was unrealistic such a temperature would be emitted into a bath or that a householder would not check or adjust the temperature. It was misleading to represent that a temperature of 38°C was in any sense guaranteed, as human intervention is still required to set this temperature. It was extremely unlikely that a temperature of 65°C would be available in household situations in view of plumbing codes.

Issue raised by complainant - The statement “Safe temperatures every time” in point of sale material was misleading as described above.

Claims Board determination - Upheld - As consumer intervention is needed on every occasion (which may be unlikely) to ensure the ‘safe’ temperatures alleged by the Advertiser, the statement is misleading.

Issue raised by complainant - Web page claims that electric storage water heaters “continuously” use power, were “low efficiency” and “always on, using energy to heat water even when not in use” were untrue and misleading.

Claims Board determination - Upheld - Claims that electric storage water heaters ‘continuously’ use power are incorrect as the evidence suggests electricity is only used when the element is heating. Claims that these products suffered from ‘low-efficiency’ were not supported by evidence provided and were therefore misleading.

Issue raised by complainant - The web page claim the Product “runs on cheaper, cleaner, natural or LP Gas” was misleading as LP gas is around 2 or 3 times more expensive than natural gas across Australia and running the Product on LP Gas was more expensive than running an electric storage water heater.

Claims Board determination - Upheld - The claim was false and misleading as running the product on LP Gas would be more expensive than electricity. It was noted this point was conceded by the advertiser, who agreed to change any such claims to remove any reference to LP Gas.

Issue raised by complainant - The Savings Calculator on the Advertiser’s website was misleading as the amount is calculated using a favourable Victorian tariff from one energy supplier, with such savings unlikely to be achieved in other States.

Claims Board determination - Upheld -The savings represented were misleading. The inclusion of the statement “read about how we calculate this” was insufficient to avoid consumers being misled.

Issue raised by complainant - The reference to a 12 year warranty in a TVC was misleading because only one component of the product was covered by the warranty, while other parts and labour were covered by a three year warranty.

Claims Board determination - Upheld -The Board agreed this was misleading.

The superimposition of text “see website for details” was insufficient to avoid consumers being misled or deceived.

Issue raised by complainant - Comparisons in a TVC with gas continuous hot water systems labelled ‘cheap’ were misleading as the ‘cheap’ products depicted bore no resemblance to the vast majority of competing products. Similar representations were also made in a webpage under the heading “Cheap Hot Water Unit”.

Claims Board determination - Upheld - The Board agreed that the ‘cheap’ product is not representative of the majority of competing brands and, as a result, the various representations made in this regard were also misleading and deceptive. The representations did not amount to a breach of section 1.3 as the Board was not provided with evidence enabling it to determine the representation would be likely to cause any damage to the complainant or any other competitors.

Issue raised by complainant - The claim “Burner won’t run at low tap flow rate so water may run cold” was not supported by testing relied on by the advertiser.

Claims Board determination - Upheld -The evidence indicated that water may run cold at low flow rates for all units in the test report and virtually at the same levels and as such the claim was misleading and deceptive.

The Board was not satisfied the representations amounted to a breach of section 1.3 of the Code.

Issue raised by complainant - Comparative claims representing that “most [other products] need costly wiring” while the product requires “no wires or holes” were misleading because they were silent on the need for a power point or additional work that may be required in providing gas connections to a home.

Claims Board determination - Upheld - As all hot water systems require some sort of fittings (gas, water, power etc), not to show these on the product at all was misleading.

Issue raised by complainant - Claims representing the solar product as “lighter, cheaper and easier to install” were misleading as they have relatively higher installation costs compared with electric storage water heaters.

Claims Board determination - Upheld -The representations were misleading and deceptive as the evidence provided indicated that the product (including the solar version) would in fact have higher installation costs than those of an electric storage water heater, particularly in a replacement situation.

The advertiser confirmed it had modified its promotional material in accordance with the Claims Board determinations.

Samsung Electronics Australia Pty Ltd v Dyson Appliances (Aust) Pty Limited

The complaint related to a series of advertisements, including television, online, print materials and product packaging, forming part of a campaign for the Dyson Cinetic DC54 range of vacuum cleaners. The complainant alleged that the advertisements breached Sections 1.1, 1.2 and 1.3 of the code on the basis that they were misleading and deceptive and contained misrepresentations likely to cause damage to competitors. The complaint alleged breaches on the basis of numerous performance and comparative claims in the advertising.

Issue raised by complainant - The advertisements conveyed messages that the product eliminates any need to maintain or clean any filter, but that the product contains a steel mesh device (the shroud) which performs all the functions of an ordinary pre-motor filter, requiring users to undertake constant maintenance by scraping the steel mesh (or filter) in order to achieve acceptable levels of suction.

Claims Board determination - Upheld - The ordinary consumer is likely to understand that the shroud is, and/or performs the function of, a filter. The shroud clearly needs to be maintained as admitted by the advertiser. The Claims Board unanimously agreed that the representation was misleading and deceptive or likely to mislead and deceive and constituted a false representation as to performance characteristics and benefits of the product in breach of clauses 1.1 and 1.2 of the Code.

Issue raised by complainant - The advertiser's claims regarding no loss of suction were misleading as the vacuum experiences significant loss of suction where maintenance is not undertaken on the unit or when the bin canister is filled with dust.

Claims Board determination - Dismissed

The ordinary consumer is likely to interpret the representations in the context of the product being used in accordance with the manufacturer's instructions. The Claims Board was of the view that the complainant had not substantiated its claims and so had not established breaches of sections 1.1, 1.2 or 1.3 of the Code in relation to this representation.

Issue raised by complainant - The representation that the vacuum offers a large bin capacity was false and misleading.

Claims Board determination - Dismissed - The Board was not satisfied that the complainant had demonstrated with sufficient evidence that the bin capacity was not large.

Issue raised by complainant - The statement 'the only vacuum with no maintenance of filters, no bags to buy and no loss of suction' was misleading as other products offer one or more of these elements.

Claims Board determination - Upheld in part - The representation was likely to be construed conjunctively by ordinary consumers. However, for the same reasons as above, the Claims Board found the claim of no filter maintenance to be misleading and deceptive and constituted false representations in breach of clauses 1.1 and 1.2 of the Code.

The Claims Board found that the complainant failed to provide evidence that any of the claims were likely to cause damage to the business or goodwill of a competitor and was unable to determine any breach to clause 1.3 of the Code.

The advertiser confirmed it had modified its promotional material in accordance with the Claims Board determination.



Independent review

Cases reviewed in 2014

Independent Reviewers

Cases reviewed in 2014

People who originally made a complaint, or the advertiser who the complaint was made against, may ask for an independent review of the determination if they meet the criteria for the process.

The independent review is not a merit review of a Board decision.

Reviews may be undertaken if the request is about at least one or all of the following grounds.

- Where new or additional relevant evidence which could have a significant bearing on the determination becomes available. An explanation of why this information was not submitted previously must be provided.
- Where there was a substantial flaw in the Board's determination (determination clearly in error having regard to the provisions of the Codes or Initiatives, or clearly made against the weight of evidence).
- Where there was a substantial flaw in the process by which the determination was made.

In 2014, three cases submitted for the independent review process were finalised.

A précis of the cases reviewed is available here. The full case reports are available on the Advertising Standards Bureau website.

Independent review cases

Kittens Car Wash - Case number 0437/14

A request for independent review from a complainant claimed there was a substantial flaw in the Board's determination in its consideration of the sexualised nature of the advertisement. After reviewing the advertisement and arguments contained in the appeal the Independent Reviewer considered that the arguments contained in the appeal did not establish a substantial flaw in the Board's decision. The Independent Reviewer considered there was no basis advanced for requiring the ASB to reconsider its conclusion other than the advertiser disagreed with the Board's determination and accordingly the review request was not accepted.

Valvoline - Case number 0192/14

A request for an independent review from the advertiser claimed there was a substantial flaw in the Board's determination in its consideration of 'Prevailing Community Standards' on health and safety. After reviewing the advertisement and arguments contained in the appeal the Independent Reviewer considered that the arguments contained in the appeal did not establish a substantial flaw in the Board's decision. The Independent Reviewer considered there was no basis advanced for requiring the ASB to reconsider its conclusion other than the advertiser disagreed with the Board's determination and accordingly the review request was not accepted.

YUM - Case number 0154/14

A request for an independent review from the Advertiser there was a substantial flaw in the process by which the determination was made. The request specifically claimed that the Board failed to properly follow the AANA Practice Note for section 2.2 of the Code in reaching its determination; and secondly did not give proper consideration to the nature of the settings in the advertisement.

The Independent Reviewer considered that the Board must make its determination based on the content of an advertisement as it stands, regardless of any back-story suggested by the advertiser and that in this case the Board had given proper consideration to the settings of the advertisement (informal gatherings of families and friends). However, the Independent Reviewer considered the Board had failed to provide any indication in its determination that it considered “whether members of the community in the target audience would most likely take a message condoning excess consumption” as required by Practice Note 2.2 and for this reason recommended that the Board reconsider its decision.

In reconsidering this case, the Board maintained the strong view that the amount of food shown in the advertisement normalised large portion

sizes and was disproportionate for the settings portrayed, but noted there was no depiction of people eating to excess. In view of this the Board considered that the target audience would not take a message condoning excess consumption and did not breach Section 2.2 of the Food Code but noted that its original determination to uphold the advertisement under S1.1 of the QSRI remained in place.

Witchery – Case number 0136/14

A request for an independent review from the advertiser claimed there was a substantial flaw in the process by which the determination was made. The request specifically claimed that the Board had given undue weight to the model’s skirt length and angle of the image and failed to consider that the still image captures the model

dancing and had not referenced the video which features the model dancing. In recommending that the Board’s original decision be confirmed the Independent Reviewer noted that the Board’s determination was based not simply on the length of the skirt but also on the model’s legs being apart, rendering the pose “more adult than child-like” and that the camera angle used highlighted the shortness of the skirt and that this combination of elements was reflected in the Board’s comment that: “overall the image amounted to a depiction of a child which is sexualised and is therefore not appropriate”. In addition the Independent Reviewer noted that the Board acted properly in wholly concentrating its consideration on the still image and not the video, as the video was not the advertisement subject to the original complaint.

Advertising Standards Bureau – outline of requests for independent review 2014

CASE	INITIAL BOARD DETERMINATION	INDEPENDENT REVIEWER RECOMMENDATION	BOARD DETERMINATION ON REVIEW (if appropriate)	TIME TAKEN TO COMPLETE REVIEW
In March 2011, ASB accepted a recommendation from the Review of the Independent Reviewer process that timeliness of the process should be made publicly available. The times indicated below refer to the time between ASB receipt of the request for review to notification of final case report.				
Kittens Car Wash Summer billboard Case number - 0437/14	Complaints Dismissed November 2014	Independent Reviewer declined to accept the request as it did not meet grounds for review		3 business days
Valvoline Hoon driving Case number - 0192/14	Complaints Upheld May 2014	Independent Review declined to accept the request as it did not meet grounds for review		4 business days
YUM Excess consumption Case number - 0154/14	Complaints Upheld May 2014	Independent Reviewer recommended Board review its original determination June 2014	Upheld	24 business days
Witchery (Witchery Kids) Case number - 0136/14	Complaints Upheld April 2014	Independent Reviewer recommended initial Board determination be confirmed June 2014		15 business days

Independent Reviewers

An independent review process for Advertising Standards Board (Board) decisions has been in place since April 2008.

The process provides the community and advertisers a channel through which they can appeal decisions made by the Advertising Standards Board.

Independent Reviewers are Emeritus Professor Dennis Pearce AO and Ms Victoria Rubensohn AM.

Dennis Pearce AO

Emeritus Professor Dennis Pearce is a consultant with HWL Ebsworth Lawyers and a Visiting Fellow at the Australian National University (ANU) College of Law. Dennis was formerly the Dean of the Law School at ANU.

He has held many appointments with government and other bodies. Among those appointments was that of Commonwealth Ombudsman, Chairman of the Australian Press Council, Chair of the Copyright Law Review Committee, Member of the Copyright Tribunal of Australia, Chair of the Defence Honours and Awards Appeal Tribunal, and President of the ACT Racing Appeals Tribunal.

Dennis was made an Officer of the Order of Australia in 2003 and was also awarded a Centenary Medal in that year.

Dennis has published many books and articles, the most well known being *Statutory Interpretation in Australia now in its 7th edition* and *Delegated Legislation in Australia* (3rd edition). He is also the editor of Lexis Nexis Administrative Law Service.

Dennis holds the degrees of Bachelor of Laws (Adelaide), Master of Laws and PhD (ANU). He is admitted to legal practice in South Australia, the Australian Capital Territory and New South Wales.

Victoria Rubensohn AM

Victoria Rubensohn is the current Convenor of the Classification Review Board and since 1991 has been Principal of international communications consultancy Omni Media, which specialises in communications regulatory policy. She is a consumer representative member of the Mobile Premium Services Code Review Panel and is a member of the Australian Communications Consumer Action Network Standing Advisory Committee.

Victoria is a board member of the Communications Law Centre and Director and Company Secretary of Media Access Australia. She has worked in radio and television in Australia and the USA and is a member of the Royal Television Society (UK). Victoria has worked extensively internationally in communications institution- building and is co-creator of a United Nations Convention on Disaster Communications.

Victoria has chaired government and non-government bodies and committees including:

- Chair of the National Film and Sound Archive
- Chair of the Telephone Information Services Standards Council for 15 years
- Chair of the Federal Government's Copyright Convergence Group
- Chair of the Federal Government's Digital Radio Advisory Committee

Victoria has been a Member of the Australian Broadcasting Tribunal and a Member of the Immigration Review Tribunal. She is a former President of the Communications and Media Law Association and has also been a member of the Copyright Law Review Committee.

Victoria was made a Member of the Order of Australia in 2004.

Victoria holds a Bachelor of Arts (Sydney), Master of Arts [in Government] (Sydney), Bachelor of Laws (UNSW) and Master of Human Rights (Sydney).

Statistics

Advertising complaints statistics

Advertising complaints statistics

In 2014 the ASB received 5,735 complaints, almost double the number of complaints (2,773) in 2013 and the highest number of complaints since the establishment of the ASB. The previous highest number of complaints was recorded in 2006, with 4,044.

From the 5735 complaints the board considered 515 advertisements with an additional 30 withdrawn by advertisers before Board consideration. Of the 545 advertisements considered, 62 of these advertisements were found to be in breach of the Code.

Although complaint numbers were higher than ever before, the actual number of advertisements complained about was not higher than the average. While the number of advertisements complained about was an increase from the total 442 advertisements complained about in 2013, it was not as high as in 2009 when the ASB received complaints about 595 separate advertisements.

In 2014 discrimination and vilification was the most complained about issue, accounting for 27.61 per cent of complaints. The “ick” factor in advertisements created another first, with the category of “Other” receiving the second highest percentage of complaints at 16.61 per cent. Sex, sexuality and nudity came in third highest with 14.27 per cent.

The most complained about product category in 2014 was automotive which accounted for 20.5 per cent of all complaints. This is due to a small number of advertisements receiving a higher number of complaints.

While the percentage of complaints received from most States and Territories remained consistent with previous years, there was a significant increase in complaints from NSW (31.77 percent in 2013 to 37.63 per cent in 2014) which can be attributed to a series of advertisements shown only in that State. Also significant was a six per cent drop in complaints from Queensland, from 20.84 per cent in 2013 to 14.58 per cent in 2014.

Number of advertisements considered and outcome of complaints

Of the total 5,735 complaints received, 2,047 complaints were in relation to advertisements previously considered by the Board. Of the 2,047 complaints about already considered advertisements, 209 complaints were related to advertisements considered by the Board prior to 2014.

A total of 174 complaints were assessed as raising issues under the Code of Ethics that the Board has consistently considered not in breach of the Codes.

A total of 4177 complaints were received about the 515 advertisements considered by the Board.

There were 202 complaints against the 62 ads which were found to breach the Code with the remaining 454 ads accounting for 3981 complaints.

Compared to the total number of ads considered by the Board, the number of ads found to breach the code equated to an upheld rate of 12.04 per cent.

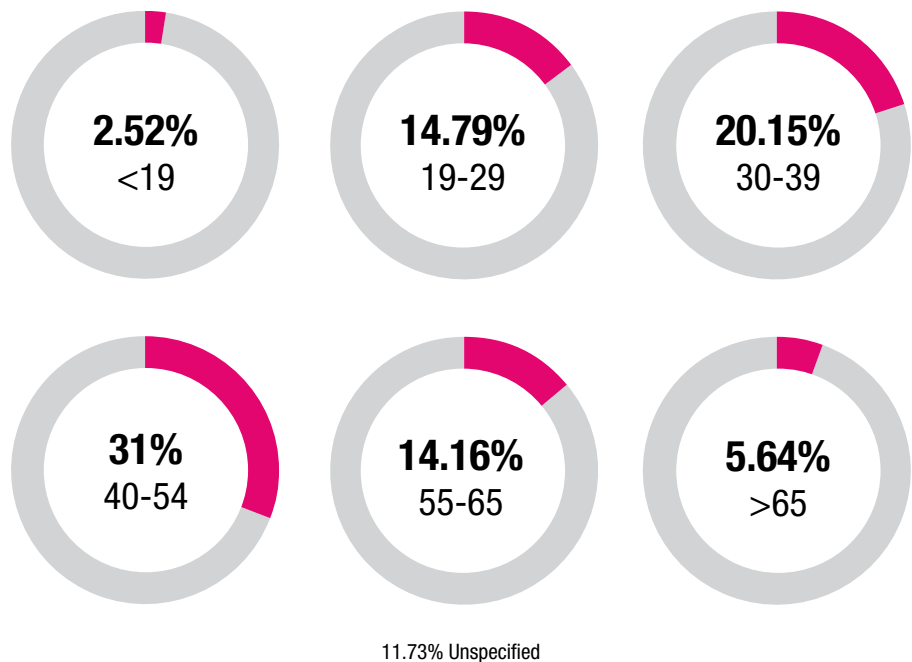
On receiving advice that there had been a complaint 30 advertisers removed their ad prior to consideration by the Board, up from 17 in 2013.

When complaints against advertisements were upheld by the Board, the vast majority of advertisers removed or modified their advertisement from broadcast or publication. Only three advertisers were non-compliant. The majority of advertisers complying with Board decisions demonstrates the advertising industry's continuing support and understanding of its obligations and responsibilities of adherence to the AANA Code of Ethics and to the system of advertising self-regulation.

What age are complainants?

The highest percentage of complaints in 2014 came from people in the 40 to 54 year age group, accounting for 31 per cent of all complaints received. The age group from 30 to 39 years account for 20.15 per cent of complaints. These ratios are similar to those of 2013.

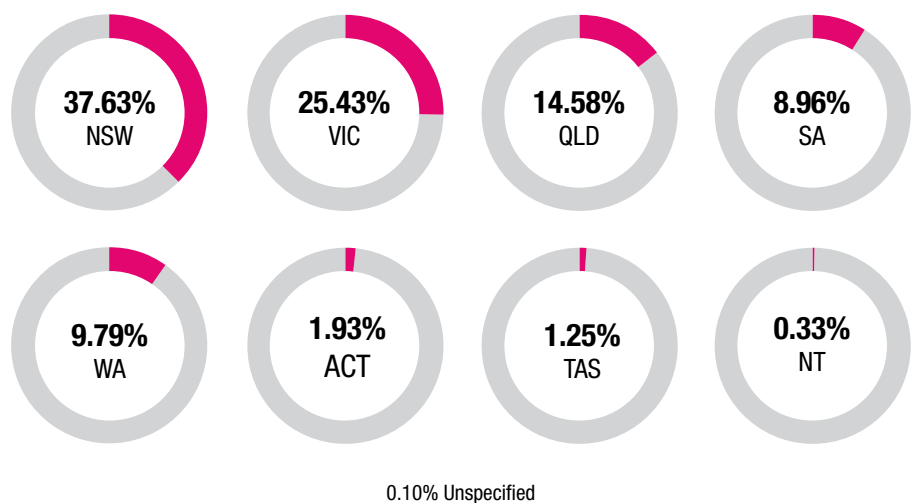
In 2014, 19 to 29 year olds accounted for 14.79 per cent of complaints, followed by 55 to 65 year olds who accounted for 14.16 per cent of complaints. The lowest number of complaints came from people under 19 years of age, with the second lowest, people over 65. The percentage of complainants with an unspecified age (11.73 per cent) ties in with the percentage of complaints received by mail and as referrals from broadcasters.



Where are complaints coming from?

Although the percentage of complaints received from most States and Territories remained consistent with previous years, there was a significant increase in complaints from NSW (31.77 percent in 2013 to 37.63 per cent in 2014) which can be attributed to a series of advertisements shown only in that State. Also significant was a six per cent drop in complaints from Queensland, from 20.84 per cent in 2013 to 14.58 per cent in 2014.

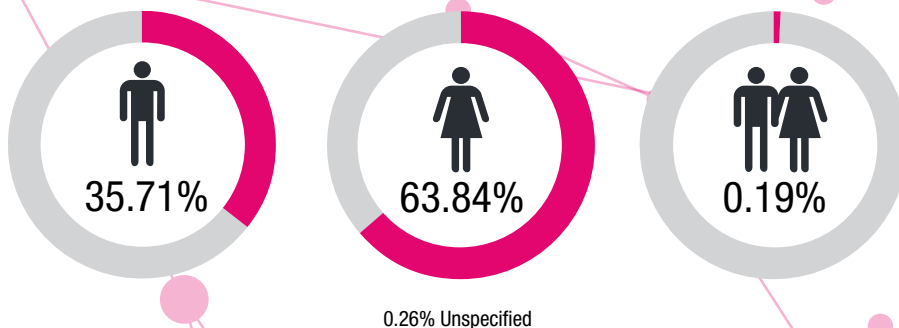
As with previous years, the most populous state, New South Wales, topped the percentage of complaints received, followed by Victoria with 25.43 per cent. The percentage of complaints received from Queensland (14.58 per cent) Western Australia (9.79 per cent), South Australia (8.96 per cent), Australian Capital Territory (1.93 per cent) Tasmania (1.25 per cent), and Northern Territory (0.33 per cent) remained similar to previous years.



Who is complaining?

In 2014 females were more likely to complain than males, with 63.84 per cent of complaints coming from females. This is consistent with 2013.

Although complaints from males (35.71 per cent) dropped by almost three per cent from the previous year this percentage is still significantly higher than the lowest percentage in 2010 in which only 29.90 per cent of complaints were from males.



What do people complain about?

For the first time since statistics have been kept, the category of "Other" received the second highest percentage of complaints at 16.61 per cent. This was the result the "ick" factor in a small number of advertisements which received a high number of complaints.

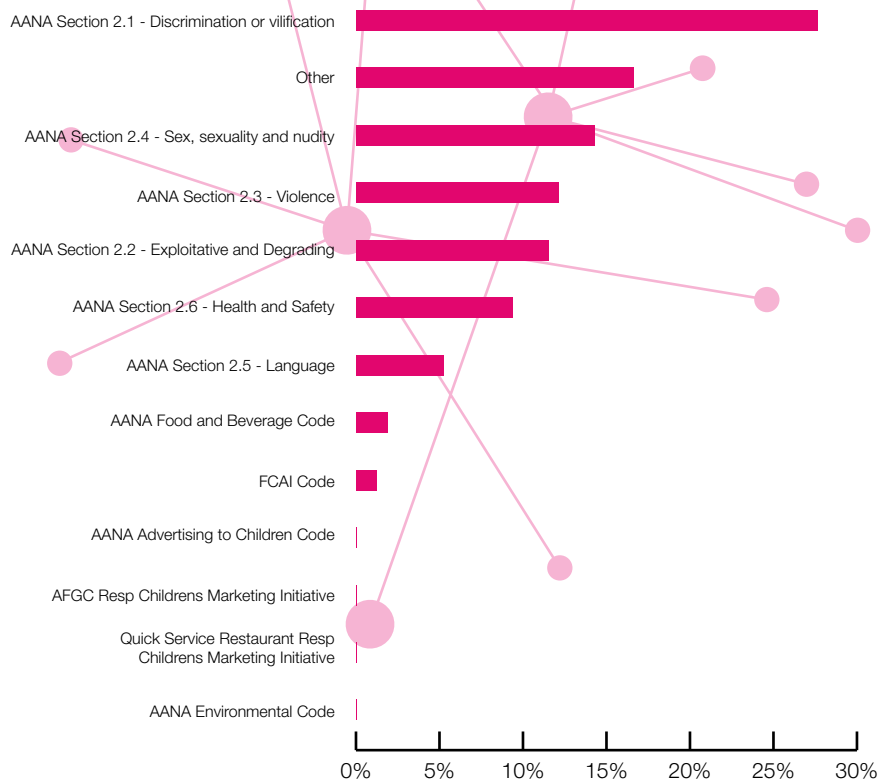
Similar to previous years, in 2014 discrimination and vilification was the most complained about issue, accounting for 27.61 per cent of complaints. Sex, sexuality and nudity came in third highest with 14.27 per cent.

Complaints about violence dropped from 16.1 per cent in 2013 to 12.13 per cent, which is still significantly higher than the low of 5.9 per cent in 2012.

Complaints concerning exploitative and degrading issues rose to 11.51 per cent from 8.31 per cent in 2013. This year's percentage is lower than 2012 when 13.98 per cent of complaints raised the issue (the year statistics were first recorded separately about exploitative and degrading images). Issues declining in complaint activity in 2014 included health and safety, from 15.6 per cent in 2013 to 9.38 per cent in 2014 and language, 7.07 per cent in 2013 down to 5.23 per cent in 2014.

FCAI motor vehicle complaints decreased from a high of 4.35 per cent in 2013 to 1.25 per cent in 2014.

Complaints about food advertising including the food and beverage code and the AFGC RCM and QSR Initiatives represented 0.9 per cent of complaints.



Which mediums attracted complaints?

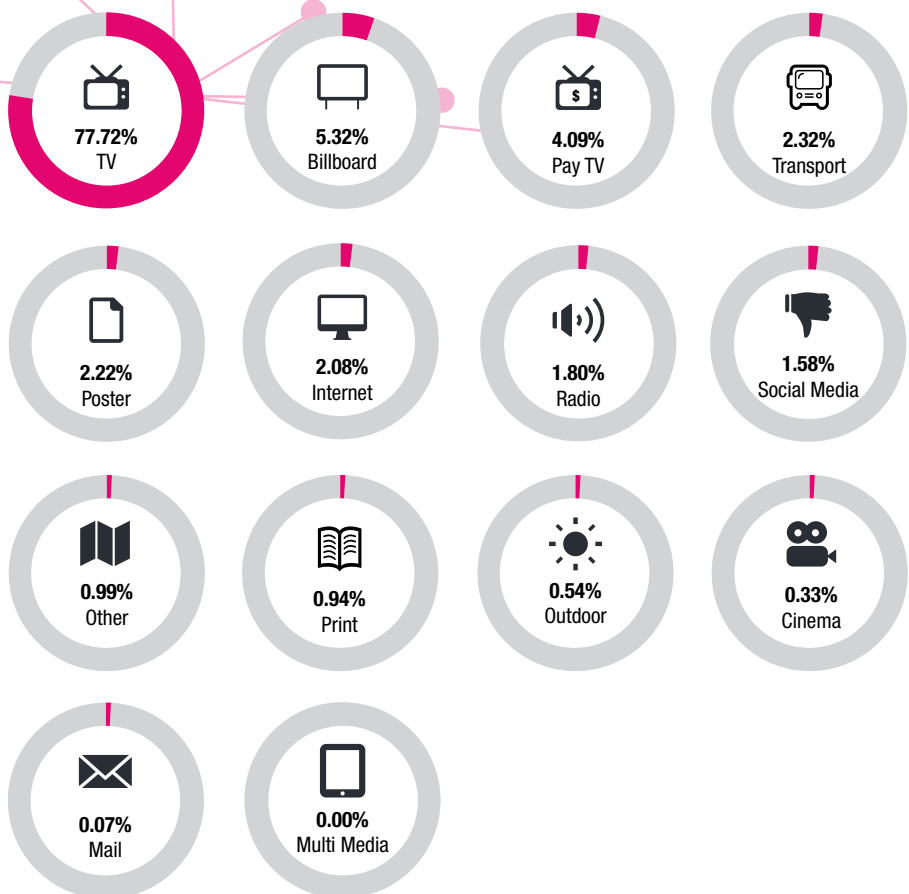
Consistent with previous years, in 2014, the majority of complaints (77.72 per cent) related to advertisements shown on television, the highest percentage since 2006 when 85.81 per cent of complaints related to television advertisements. This year's higher percentage can be attributed to a small number of television advertisements which received a high number of complaints.

Forms of outdoor media were considered under transport, billboard and outdoor mediums. In 2014, billboards attracted the second highest amount of complaints for any medium with 5.32 per cent, this is down from 9.59 per cent in 2013. Transport accounted for 4.09 per cent of complaints in 2014 and outdoor mediums 0.54 per cent.

In 2014, only 2.08 per cent of complaints were for internet advertising, less than half of the 2013 figure of 5.5 per cent. An additional 1.58 per cent of complaints were for advertisements appearing in social media, this is down from 1.91 per cent in 2013 and 2.59 per cent in 2012.

Significant falls in complaint percentages were recorded against print media which fell significantly to 0.94 per cent in 2014 from 4.54 per cent in 2013 and about radio advertisements which dropped from 3.57 per cent in 2013 to 1.80 per cent this year.

Other mediums attracting complaint included Pay TV (4.09 per cent), poster (2.22 per cent), cinema (0.33 per cent) and mail (0.07 per cent).



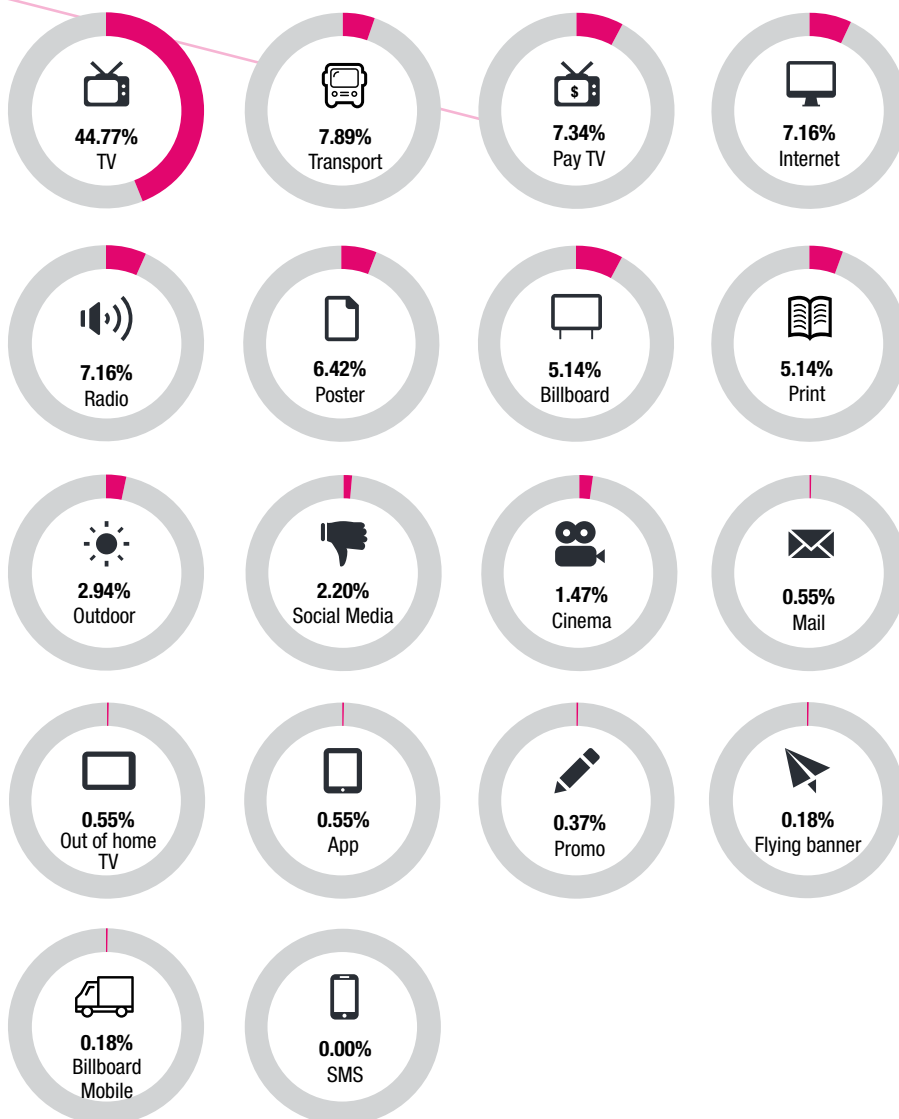
Which medium were cases seen and heard on?

Of the advertisements complained about which were raised as cases, the vast majority (44.77 per cent) were advertisements seen on television, this is consistent with previous years. A further 7.34 per cent of advertisements were seen on Pay TV, slightly less than the 7.98 per cent in 2013.

The second highest percentage of cases was for transport advertisements, which rose again for the third consecutive year 3.82 per cent (2012), 5.40 per cent (2013) to 7.89 per cent in 2014.

Other mediums with increasing percentages include radio (7.16 per cent), poster (6.42 per cent) and internet social media (2.20 per cent). Mediums with decreasing percentages include billboard and print both down to 5.14 per cent.

Other mediums with less than 5 per cent include outdoor (2.94 per cent), cinema (1.47 per cent), mail (0.55 per cent), TV-out of home (0.55 per cent), promotional material (0.37 per cent). Flying banners and mobile billboards each represented 0.18 per cent of cases.



What products attracted complaints?

The most complained about product category in 2014 was automotive (defined as products associated with motor vehicles, such as tyres, number plates, motor oil) which accounted for 20.5 per cent of all complaints. This is due to a small number of advertisements receiving a high number of complaints. This category was first introduced in 2013, when only 0.37 per cent of complaints were recorded.

The percentage of complaints about vehicle advertisements dropped significantly between 2013 (13.92 per cent), to the lowest recorded percentage (3.00 per cent in 2014) since vehicle advertisement complaint data was first collected in 2005.

Complaint percentages about food and beverage advertising remained at lower levels than in previous years at 7.91 per cent—a large drop from a high of 33.25 per cent in 2007. Since data was first collected in 2005, food and beverages was consistently the most complained about category until 2013 when the first larger drop was recorded.

Significant decreases were recorded in several categories including clothing from 8.94 per cent in 2013 to 1.80 per cent in 2014 and lingerie from 7.91 per cent in 2013 to 0.94 per cent in 2014. Prior to 2013 lingerie was recorded under clothing, however due to an increasing number of complaints, lingerie complaints began to be recorded separately. Combining the two categories this year still results in a significantly lower level of complaint about these products—just 2.74 per cent of complaints in total.

A third product category to record a significant decrease was alcohol which dropped from 7.84 per cent in 2013 to just 1.30 per cent in 2014.

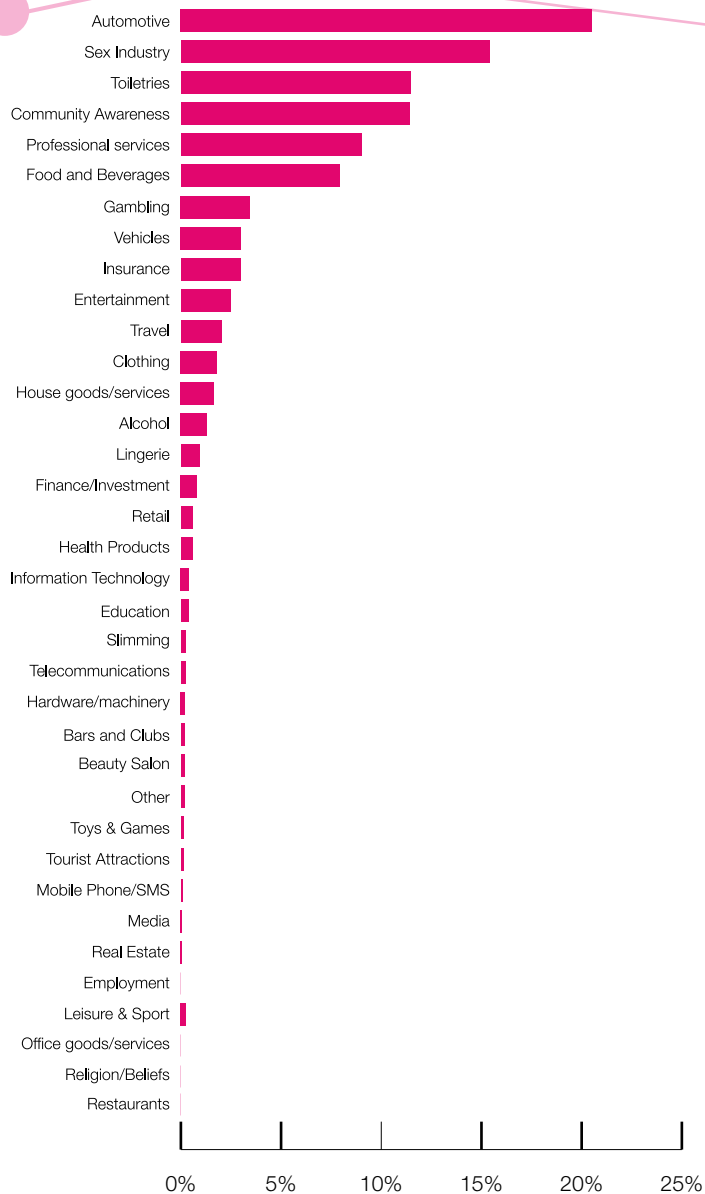
Complaints about community awareness advertisements more than doubled from

(5.42 per cent in 2013 to 11.41 per cent in 2014. Although still a small percentage, complaints about gambling advertisements rose from 1.32 per cent in 2013 to 3.45 per cent in 2014.

Complaints about professional services increased significantly from 2013 (1.30 per cent) to 2014 (9.02 per cent), with the sex industry (15.40 per cent) and toiletry (11.46 per cent) product categories recording a tripling in percentage of complaints from the previous year.

Insurance (2.98 per cent), entertainment (2.46 per cent) and travel (2.03 per cent) were the only other product categories to receive more than two percent of complaints.

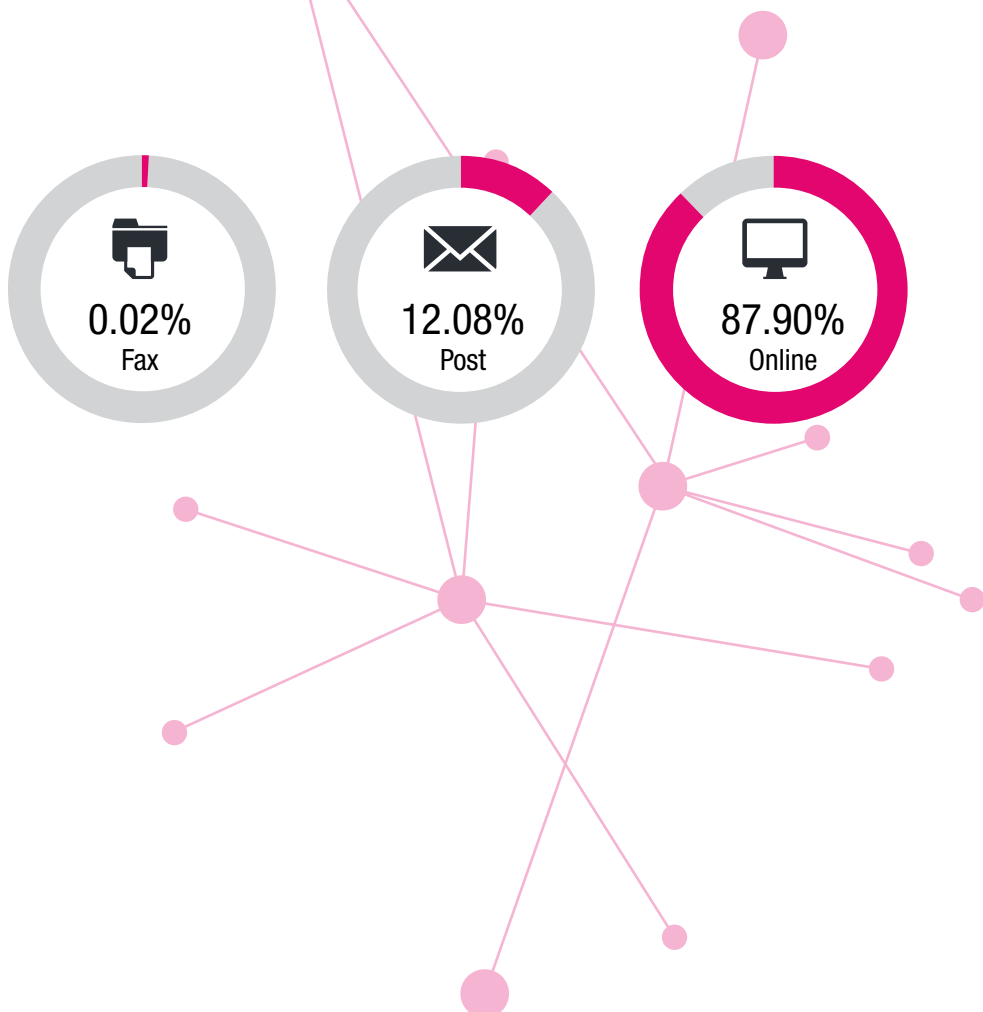
Several product categories received no complaints, including restaurants, office goods and services and employment.



How do people complain?

The number of people choosing to lodge their complaints through the online system in 2014 continued to be the most popular option, with 87.90 per cent of submissions, however this has fallen from 93.65 per cent in 2013. The drop is due to an increase in postal submissions, from 6.3 per cent in 2012 to 12.08 per cent in 2014. The majority of postal submissions are complaint referrals from television stations, which are not submitted through ASB's online complaints system.

In 2014, just 0.02 per cent of complaints were received by fax.



	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
ALLOCATION OF COMPLAINTS (No., by Complaint)												
Complaints within jurisdiction									1491	1720	983	2309
Complaints outside jurisdiction									1181	1280	1078	1197
Complaints about already considered advertisements (current year)									443	290	308	1838
Complaints about already considered advertisements (previous years)									138	211	212	209
Consistently dismissed complaints									113	102	170	174
Not allocated at 31 December									50	37	22	8
TOTAL	2,620	2,296	2,956	4,044	2,602	3,596	3,796	3,526	3,416	3,640	2,773	5,735

OUTCOME OF COMPLAINTS (No., by Complaint)												
Number of complaints about ads which did not breach the Code (current year)									1569	1440	911	3981
Number of complaints about ads which did not breach the Code (pre reporting year)									138	211	212	203
Number of complaints about ads which were found to breach the Code									353	280	225	202
Number of complaints about ads that were withdrawn									12	45	17	56
TOTAL									2,072	1,976	1,365	4,442

OUTCOME OF COMPLAINTS (No. by Complaint - pre 2011)												
Dismissed	1770	1349	1753	2648	1730	2263	2278	1692	see table above			
Upheld	23	55	94	164	280	477	521	361				
Withdrawn before board determination	113	236	139	20	15	57	56	53				
Already considered advertisements **								708				
Consistently dismissed complaints *								92				
Not proceeding to a case	714	656	970	1212	577	799	941	620				
TOTAL	2,620	2,296	2,956	4,044	2,602	3,596	3,796	3,526				

* Statistics not separately captured prior to 2010

Prior to 2010, complaints about already considered complaints were aggregated with "Dismissed" complaints.

BOARD DETERMINATIONS (No., by Advertisement)												
Withdrawn before board determination	5	20	33	13	5	10	11	29	10	24	17	30
Upheld	4	8	14	28	36	62	81	49	54	69	61	62
Dismissed	401	337	344	488	405	477	503	442	412	404	348	453
Not proceeding to Board									38	11	16	21
TOTAL	410	365	391	529	446	549	595	520	514	508	442	566

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
AGE RANGE OF COMPLAINTS (%)												
< 19						2.25%	1.81%	1.80%	1.86%	1.74%	1.15%	2.52%
19 - 29						14.99%	15.81%	15.62%	18.72%	18.38%	13.34%	14.79%
30 - 39						23.11%	22.35%	22.55%	25.35%	22.24%	21.13%	20.15%
40 - 54						30.56%	28.34%	25.36%	29.68%	31.22%	34.66%	31.00%
55 - 65						11.15%	11.40%	9.88%	11.77%	12.46%	15.18%	14.16%
> 65						3.28%	3.44%	3.09%	3.91%	3.55%	4.51%	5.64%
Unspecified						14.66%	16.85%	21.70%	8.72%	10.42%	10.03%	11.73%
TOTAL						100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

GEOGRAPHIC SOURCE OF COMPLAINTS (%)												
NSW	37.73%	38.20%	32.68%	36.77%	35.63%	34.47%	36.77%	35.98%	29.16%	32.52%	31.77%	37.63%
VIC	24.75%	22.17%	21.19%	22.59%	20.18%	23.53%	21.16%	24.22%	21.49%	22.24%	23.08%	25.43%
QLD	15.86%	16.16%	24.60%	17.01%	19.79%	20.51%	18.38%	22.73%	27.82%	21.88%	20.84%	14.58%
WA	7.68%	8.84%	7.98%	7.84%	9.80%	7.17%	9.63%	6.81%	8.43%	9.26%	9.52%	9.79%
SA	7.22%	7.10%	8.54%	10.08%	9.80%	9.24%	9.83%	6.53%	9.81%	9.81%	9.05%	8.96%
ACT	4.40%	4.75%	2.47%	2.58%	2.50%	2.90%	2.16%	2.29%	1.38%	1.98%	2.13%	1.93%
TAS	1.52%	1.92%	1.84%	2.31%	1.54%	1.48%	1.62%	1.07%	1.00%	1.98%	2.99%	1.25%
NT	0.84%	0.83%	0.60%	0.84%	0.77%	0.70%	0.45%	0.37%	0.91%	0.33%	0.50%	0.33%
Unspecified	0.00%	0.04%	0.10%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.11%	0.10%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

GENDER OF COMPLAINANTS (%)												
Couple	2.30%	2.61%	2.10%	1.35%	0.92%	0.92%	0.82%	0.49%	0.19%	0.06%	0.07%	0.19%
Unspecified	2.83%	2.70%	2.13%	1.45%	1.08%	3.11%	4.29%	0.58%	0.43%	1.24%	0.47%	0.26%
Male	32.37%	37.63%	38.08%	36.75%	32.67%	36.93%	36.21%	29.90%	30.87%	39.60%	38.66%	35.71%
Female	62.50%	57.06%	57.69%	60.45%	65.33%	59.04%	58.68%	69.03%	68.51%	59.11%	60.80%	63.84%
TOTAL	100.00%	100.00%	100.00%	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		27.13%	23.25%	28.05%	22.76%	16.31%	19.58%	20.68%	28.49%	18.10%	27.61%	
Other		14.59%	14.69%	4.86%	15.84%	17.04%	3.12%	1.33%	2.10%	5.57%	16.61%	
AANA Section 2.4 - Sex, sexuality and nudity		26.49%	22.23%	37.91%	25.61%	40.54%	45.23%	32.05%	23.41%	23.12%	14.27%	
AANA Section 2.3 - Violence		17.38%	18.01%	8.42%	17.67%	7.93%	9.62%	11.82%	5.92%	16.11%	12.13%	
AANA Section 2.2 - Exploitative and Degrading									13.98%	8.31%	11.51%	
AANA Section 2.6 - Health and Safety		6.46%	9.70%	10.85%	6.04%	8.38%	9.62%	13.59%	9.50%	15.64%	9.38%	
AANA Section 2.5 - Language		4.36%	7.55%	1.68%	7.24%	5.35%	4.85%	6.06%	12.17%	7.07%	5.23%	
AANA Food and Beverage Code		0.00%	0.00%	0.37%	1.26%	2.47%	3.08%	6.35%	1.03%	1.09%	1.87%	
FCAI Code		3.38%	1.84%	4.91%	3.09%	1.19%	1.13%	3.55%	1.87%	4.35%	1.25%	
AANA Advertising to Children Code		0.20%	2.73%	2.95%	0.49%	0.63%	2.34%	1.33%	0.76%	0.00%	0.05%	
AFGC Resp Childrens Marketing Initiative		0.00%	0.00%	0.00%	0.00%	0.00%	0.87%	1.03%	0.16%	0.39%	0.04%	
Quick Service Restaurant Resp Childrens Marketing Initiative		0.00%	0.00%	0.00%	0.00%	0.16%	0.52%	1.48%	0.41%	0.21%	0.04%	
AANA Environmental Code		0.00%	0.00%	0.00%	0.00%	0.00%	0.04%	0.74%	0.21%	0.05%	0.01%	
TOTAL		100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	

	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
REASON COMPLAINTS FELL OUTSIDE CHARTER (No.) **										
Not an advertisement - Community service announcements	35	61	15	67	99	see table below				
Not an advertisement - Direct distribution to an individual	11	5	1	1	4					
Not an advertisement - Direct mail	19	11	3	4	2					
Not an advertisement - Informercial	1	1	0	0	4					
Not an advertisement - Internet	30	39	11	9	27					
Not an advertisement - Label directions	2	5	1	7	13					
Not an advertisement - Local advertising	30	14	21	16	28					
Not an advertisement - Loudness of ads	71	12	11	8	11					
Not an advertisement - Other	21	48	44	46	11					
Not an advertisement - Point of sale	27	29	28	16	15					
Not an advertisement - Product name or logo	5	5	0	3	9					
Not an advertisement - Product or service	29	92	58	84	126					
Not an advertisement - Program content or programming	73	126	13	15	27					
Not an advertisement - TV and radio promotional material	144	186	28	18	35					
Other - Dissatisfied	0	0	0	88	53					
Other - Insufficient information	13	34	23	33	23					
Other - Other	37	38	31	32	6					
Other - Trivial complaint	4	6	16	5	53					
Outside Section 2 - Broadcast timing	104	118	60	33	15					
Outside Section 2 - Dislike of advertising	30	25	19	62	185					
Outside Section 2 - Other	108	70	89	128	27					
Outside Section 2 - Phone sex	0	1	0	7	18					
Outside Section 2 - Political advertising	10	11	26	3	3					
Specific industry code - Alcoholic Beverages code	3	2	12	5	14					
Specific industry code - Therapeutic Goods code	1	1	1	0	3					
Specific industry code - Weight Management code	2	2	0	1	3					
Withdrawn/Discontinued - Other	13	43	12	32	81					
Within Section 1 - Business practices	6	6	1	2	3					
Within Section 1 - Compliance with law	15	4	0	1	0					
Within Section 1 - Harm to business	0	1	0	1	2					
Within Section 1 - Legality	1	11	6	10	3					
Within Section 1 - Misleading claim about Australian country of origin/content	0	5	1	0	0					
Within Section 1 - Misleading claim of protecting environment	0	0	0	0	2					
Within Section 1 - Misleading or deceptive	121	186	45	62	32					
Within Section 1 - Misrepresentation	1	6	1	0	2					
Within Section 1 - Tobacco	3	8	0	0	2					
TOTAL	970	1212	577	799	941					

** From 2010, data relating to complaints outside charter is captured in a more detailed form.

	2010	2011	2012	2013	2014
<i>REASON COMPLAINT DID NOT PROCEED TO A CASE (No.) **</i>					
Ad not broadcast in Australia	4	7	4	0	2
ASB complainant dissatisfied	3	2	6	0	11
Dissatisfied - ASB ineffective enforcement	0	0	0	14	0
ASB - Not pre-screening body	0	0	1	0	0
ASB Claims Board Competitor	0	0	0	0	0
ASB Public Awareness campaign	0	2	1	0	0
Business practices unethical	0	2	1	1	3
Community Service Announcement	3	11	0	0	0
Competition coupons	0	0	0	1	0
Competitor complaint - ACB matter	0	0	3	1	2
Dislike of advertising - AMI radio ads	2	0	2	2	8
Dislike of advertising - AMI TV ads	14	1	0	0	5
Editorial	7	5	6	20	8
Gambling odds in commentary	2	0	2	2	0
Gambling product - Timing TV	0	0	0	83	74
Insufficient information to identify ad - General	46	56	59	58	48
Insufficient information to identify ad - Adult content	5	1	0	0	4
Legality	8	10	13	21	15
Loud ads	7	2	1	0	1
Misleading truth and accuracy - NOT FOOD	43	118	142	134	177
Misleading country of origin	0	1	1	1	0
Not an ad - Food packaging	0	6	0	10	10
RCMI - Not an ad in Media	0	0	0	2	0
Not an ad - General	14	61	44	35	44
Not an ad - Point of sale	1	0	0	0	0
Not an ad - Other Social Media	0	0	0	2	1
Not an ad - Signage on premises	1	2	0	6	0
Not S2 - ABAC	14	34	31	50	23
Not S2 - ACMA	0	3	18	11	9
Not S2 - ADMA	1	0	3	5	4
Not S2 - e-cigarettes	0	0	0	0	1
Not S2 - Inappropriate behaviour	0	0	0	20	54
Not S2 - Disagree with content	0	0	0	80	163
Not S2 - General	103	262	214	93	32
Not S2 - Dislike advertising	0	0	0	2	5
Not S2 - Freedom of speech	0	0	0	13	14
Not S2 - Grammar in advertisements	0	0	0	3	2
Not S2 - Not discrimination	0	0	0	6	8
Not S2 - Personal issue	0	0	0	18	26
Not S2 - Unfortunate placement	0	0	0	4	6
Not S2 - Use of a personality	0	0	0	2	3
Not S2 - Use of children	0	0	0	2	0
Overseas complaint	1	0	2	1	2
Overseas web site with no Aust connection	1	2	0	0	2

	2010	2011	2012	2013	2014
<i>REASON COMPLAINT DID NOT PROCEED TO A CASE (No.) **... continued</i>					
Political advertising	40	180	307	35	20
Product or service - Food	0	4	13	0	5
Product or service - General	39	98	83	63	67
Product or service - On radio	4	0	1	0	1
Programming and content	4	16	11	11	17
Promotion TV and radio	37	166	161	49	46
Prohibited online content	0	0	0	5	4
Subliminal advertising	7	8	7	6	4
Social issues	0	0	0	0	80
Tasteless advertising	39	44	45	19	10
Therapeutic goods	0	3	8	12	10
Timing - Cinema	3	1	2	0	0
Timing - Radio broadcast	4	0	2	0	1
Timing - TV	23	27	42	19	47
Tobacco advertising	13	4	2	2	3
Too many ads	3	3	8	9	4
Unsolicited mail and products	0	1	0	2	4
Weight management	4	0	3	12	2
Wicked Campers - Need for detailed information	12	2	5	22	27
Wicked Campers - Dislike of advertising	0	0	0	0	11
Advertisement Withdrawn/Discontinued before case established	108	36	26	109	67
TOTAL	620	1181	1280	1078	1197

** Following the launch of new Case Management System in March 2010, statistics relating to complaints not proceeding to a case are provided in greater detail.

<i>CONSISTENTLY DISMISSED COMPLAINTS (No.) *</i>					
- Unlikely interpretation	35	49	51	50	73
- Not of concern to broad community	22	20	9	12	17
- Consistently dismissed issue	18	15	16	29	36
- Consistently dismissed language	12	10	14	17	13
- Incorrect about content	3	5	4	13	26
- Product name	0	8	1	0	0
- Multicultural community	2	5	0	10	6
- Images of food	0	1	6	5	3
- Consistently dismissed - MLA	0	0	0	33	0
- Food / beverage logos	0	0	1	1	0
TOTAL	92	113	102	170	174

* Statistics not separately captured prior to 2010

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
MEDIA ATTRACTING COMPLAINT (%)												
TV	80.59%	85.33%	84.81%	85.81%	75.10%	68.59%	59.83%	62.25%	44.16%	65.47%	62.10%	77.72%
Billboard ***								9.69%	26.35%	4.80%	9.59%	5.32%
Pay TV	0.00%	0.00%	0.25%	0.18%	0.44%	1.46%	5.61%	2.42%	1.95%	2.90%	3.46%	4.09%
Transport	0.63%	0.62%	0.45%	1.73%	1.62%	3.64%	2.46%	0.76%	3.67%	1.49%	3.50%	2.32%
Poster ***								1.99%	7.43%	1.88%	2.13%	2.22%
Internet	0.00%	0.00%	0.00%	0.25%	1.13%	1.13%	2.58%	7.55%	5.57%	7.84%	5.45%	2.08%
Radio	1.69%	1.74%	2.11%	4.10%	2.36%	2.77%	3.12%	1.66%	3.24%	4.09%	3.57%	1.80%
Internet - Social Media										2.59%	1.91%	1.58%
Other	0.00%	0.00%	0.00%	0.00%	0.00%	0.40%	0.15%	0.00%	0.00%	0.06%	0.72%	0.99%
Print	4.48%	5.47%	4.76%	3.85%	4.08%	4.73%	1.92%	3.56%	4.86%	4.94%	4.54%	0.94%
Outdoor	9.23%	6.28%	6.67%	3.67%	12.80%	16.48%	23.92%	8.40%	1.67%	1.38%	1.55%	0.54%
Cinema	0.43%	0.50%	0.60%	0.42%	2.46%	0.80%	0.11%	0.43%	0.19%	1.41%	0.79%	0.33%
Mail	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.29%	1.28%	0.91%	1.16%	0.69%	0.07%
Multiple Media	2.95%	0.06%	0.35%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

*** Statistics not separately captured prior to 2010. Information on this category aggregated in "Outdoor" category prior to 2010.

ANALYSIS OF CASES BY MEDIA (%) ****												
TV - Free to air								52.12%	42.02%	45.07%	44.13%	44.77%
Transport								2.50%	4.62%	3.82%	5.40%	7.89%
TV - Pay								5.77%	5.04%	5.43%	7.98%	7.34%
Internet								6.73%	6.93%	10.26%	7.04%	7.16%
Radio								5.96%	6.93%	5.63%	6.81%	7.16%
Poster								4.23%	8.40%	4.02%	5.87%	6.42%
Billboard - static								5.77%	11.55%	8.45%	8.45%	5.14%
Print								9.62%	8.19%	6.44%	5.87%	5.14%
Outdoor								5.00%	3.15%	4.23%	3.52%	2.94%
Internet - Social Media								0.00%	0.00%	3.02%	1.41%	2.20%
Cinema								1.35%	0.42%	1.41%	2.35%	1.47%
Mail								0.96%	2.73%	2.01%	0.47%	0.55%
App								0.00%	0.00%	0.00%	0.23%	0.55%
TV - Out of Home								-	-	-	-	0.55%
Promo material								0.00%	0.00%	0.00%	0.23%	0.37%
Flying banner								0.00%	0.00%	0.00%	0.23%	0.18%
Billboard - mobile								-	-	-	-	0.18%
SMS								0.00%	0.00%	0.20%	0.00%	0.00%
TOTAL								100.00%	100.00%	100.00%	100.00%	100.00%

**** This table relates to individual cases, not complaints

METHOD OF COMPLAINT (%)												
Fax	6.91%	4.09%	4.56%	2.82%	2.08%	2.71%	2.85%	0.27%	0.05%	0.01%	0.14%	0.02%
Post	32.65%	25.96%	22.36%	14.47%	13.87%	10.22%	11.85%	11.97%	6.72%	6.34%	10.24%	12.08%
Online (email until 2006)	60.44%	69.95%	73.08%	82.71%	84.05%	87.07%	85.30%	87.76%	93.23%	93.65%	89.61%	87.90%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%



Appendices

Advertising Standards Bureau complaints process

Independent Review process

AANA Code of Ethics

AANA Code for Advertising and Marketing Communications to Children

AANA Environmental Claims in Advertising and Marketing Code

AANA Food and Beverages Advertising and Marketing Communications Code

AFGC - Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry

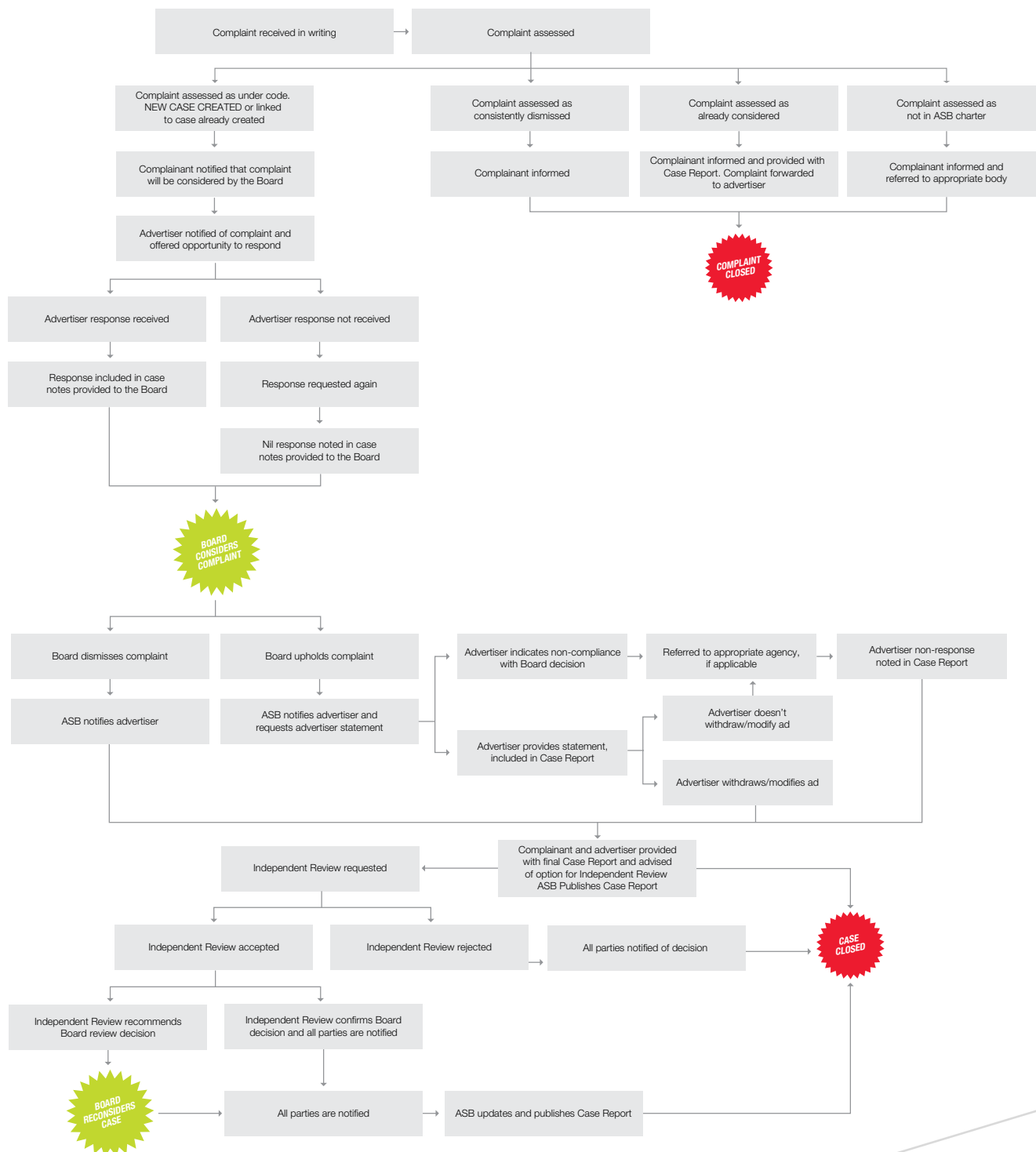
AFGC – Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children

FCAI Voluntary Code of Practice for Motor Vehicle Advertising

Alcohol Beverages Advertising (and Packaging) Code

1. Advertising Standards Bureau

complaints process



2. Independent Review process

If people who originally complained about an advertisement or the advertiser are dissatisfied about a Board determination regarding a particular advertisement, they may ask for a review of the determination.

Who can ask for a review?

People who originally complained about an advertisement and the advertiser are the only people who may request a review. If the complaint was made by an organisation, an advertiser or an industry complainant, the request for review should be signed by a person who, in the opinion of the Independent Reviewer, has the right to bind that organisation.

Requests for review received from people who were not original complainants will not be submitted to the Independent Reviewer and payment will be returned.

Time frame for requesting a review

Requests for review of a Board determination must be received within 10 business days of the date of the ASB's final letter of notification of a determination and must relate to a determination taken by the Board within the previous month. The review process commences on the tenth day following the date of final notification of a determination to account for the possibility of multiple requests.

Grounds for review

Reviews may be undertaken if the request is about at least one or all of the following grounds.

- Where new or additional relevant evidence which could have a significant bearing on the determination becomes available. An explanation of why this information was not submitted previously must be provided.
- Where there was a substantial flaw in the Board's determination (determination clearly in error having regard to the provisions of

the Code, or clearly made against the weight of evidence).

- Where there was a substantial flaw in the process by which the determination was made. Since no review will proceed if the point at issue is the subject of legal action between anyone directly involved, requests for review should make plain that no such action is underway or contemplated.

Cost of making a request

The cost of lodging a request for review is \$100 for complainants, \$500 for complainants from not for profit organisations, \$1000 for advertisers who pay the advertising levy and \$2000 for advertisers who do not pay the advertising levy. This payment must accompany a request for review and is not refundable if the Independent Reviewer decides that the request does not meet the grounds for review.

The payment is refundable if the Independent Reviewer accepts the request and the Board changes its original determination.

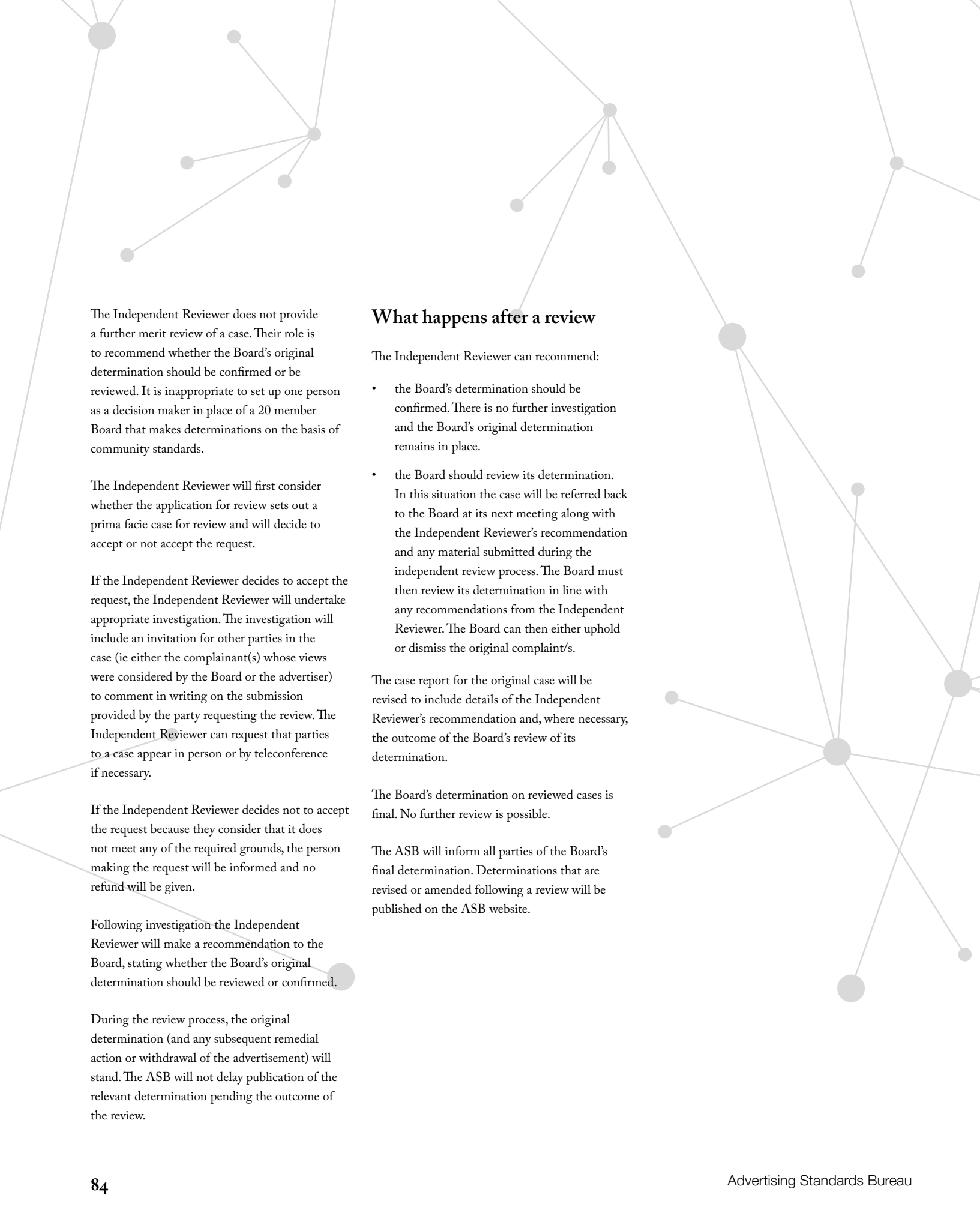
Making the request

Requests for a review must be lodged via the ASB's online complaints system and must:

- contain a full statement of the grounds
- be in writing
- be accompanied by relevant payment.

Role of Independent Reviewer

In line with international best practice, the Independent Reviewer's role is to assess the validity of the process followed by the Board, or to assess any new material provided by parties to the case.



The Independent Reviewer does not provide a further merit review of a case. Their role is to recommend whether the Board's original determination should be confirmed or be reviewed. It is inappropriate to set up one person as a decision maker in place of a 20 member Board that makes determinations on the basis of community standards.

The Independent Reviewer will first consider whether the application for review sets out a prima facie case for review and will decide to accept or not accept the request.

If the Independent Reviewer decides to accept the request, the Independent Reviewer will undertake appropriate investigation. The investigation will include an invitation for other parties in the case (ie either the complainant(s) whose views were considered by the Board or the advertiser) to comment in writing on the submission provided by the party requesting the review. The Independent Reviewer can request that parties to a case appear in person or by teleconference if necessary.

If the Independent Reviewer decides not to accept the request because they consider that it does not meet any of the required grounds, the person making the request will be informed and no refund will be given.

Following investigation the Independent Reviewer will make a recommendation to the Board, stating whether the Board's original determination should be reviewed or confirmed.

During the review process, the original determination (and any subsequent remedial action or withdrawal of the advertisement) will stand. The ASB will not delay publication of the relevant determination pending the outcome of the review.

What happens after a review

The Independent Reviewer can recommend:

- the Board's determination should be confirmed. There is no further investigation and the Board's original determination remains in place.
- the Board should review its determination. In this situation the case will be referred back to the Board at its next meeting along with the Independent Reviewer's recommendation and any material submitted during the independent review process. The Board must then review its determination in line with any recommendations from the Independent Reviewer. The Board can then either uphold or dismiss the original complaint/s.

The case report for the original case will be revised to include details of the Independent Reviewer's recommendation and, where necessary, the outcome of the Board's review of its determination.

The Board's determination on reviewed cases is final. No further review is possible.

The ASB will inform all parties of the Board's final determination. Determinations that are revised or amended following a review will be published on the ASB website.

3. AANA Code of Ethics

Objectives

This Code has been adopted by the Australian Association of National Advertisers as part of advertising and marketing self-regulation. Its object is to ensure that advertisements and other forms of marketing communications are legal, decent, honest and truthful and that they have been prepared with a sense of obligation to the consumer and society and a sense of fairness and responsibility to competitors.

This Code comes into effect on 1 January 2012. It replaces the previous AANA Code of Ethics and applies to all advertising and marketing communications on and from 1 January 2012.

This Code is accompanied by Practice Notes which have been developed by AANA. The Practice Notes provide guidance to advertisers, complainants and the Advertising Standards Board (Board) in relation to this Code.

Definitions and Interpretation

In this Code, unless the context otherwise requires:

- **Advertising or Marketing Communications** means any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, and
- over which the advertiser or marketer has a reasonable degree of control, and
- that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct, but does not include Excluded Advertising or Marketing Communications.

Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product. "Product" is defined in the Code for Advertising & Marketing Communications to Children as follows: Product means goods, services and/or facilities which are targeted toward and have principal appeal to Children.

The Board means the board appointed by the Advertising Standards Bureau from time to time, the members of which are representative of the community, to administer a public complaints system in relation to Advertising or Marketing Communications.

Children means persons 14 years old or younger and Child means a person 14 years old or younger.

Excluded Advertising or Marketing

Communications means labels or packaging for products, public relations communications (corporate or consumer) and related activities and, in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel or station.

Medium means any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, telecommunications, television or other direct-to-consumer media including new and emerging technologies.

Prevailing Community Standards means the community standards determined by the Board as those prevailing at the relevant time in relation to Advertising or Marketing Communications. Prevailing Community Standards apply to clauses 2.1–2.6 below. The determination by the Board shall have regard to Practice Notes published by AANA and any research conducted by the Advertising Standards Bureau.

Section 1 Competitor Complaints¹

- 1.1 Advertising or Marketing Communications shall comply with Commonwealth law and the law of the relevant State or Territory.
- 1.2 Advertising or Marketing Communications shall not be misleading or deceptive or be likely to mislead or deceive.
- 1.3 Advertising or Marketing Communications shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.
- 1.4 Advertising or Marketing Communications 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 Advertising or Marketing Communications shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.

Section 2 Consumer Complaints²

- 2.1 Advertising or Marketing Communications 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, gender, age, sexual preference, religion, disability, mental illness or political belief.
- 2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.
- 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.
- 2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.
- 2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.
- 2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Section 3 Other Codes

- 3.1 Advertising or Marketing Communications to Children shall comply with the AANA's Code of Advertising & Marketing Communications to Children and section 2.6 of this Code shall not apply to advertisements to which AANA's Code of Advertising & Marketing Communications to Children applies.
- 3.2 Advertising or Marketing Communications for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles.
- 3.3 Advertising or Marketing Communications for food or beverage products shall comply with the AANA Food & Beverages Advertising & Marketing Communications Code as well as to the provisions of this Code.

¹ Complaints under Section 1 are made to the Advertising Claims Board, <http://www.adstandards.com.au/process/claimsboardprocess>

² Complaints under Section 2 are made to the Advertising Standards Board <http://www.adstandards.com.au/process/theprocesssteps>

4. AANA Code for Advertising and Marketing Communications to Children

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

This Code comes into effect on 1 April 2014. It replaces the previous AANA Code for Advertising & Marketing Communications to Children and applies to all advertising and marketing communications directed to children on and from 1 April 2014.

This Code is accompanied by a Practice Note which has been developed by AANA. The Practice Notes provide guidance to advertisers, complainants and the Advertising Standards Board (Board) in relation to this Code.

1. Definitions

In this Code, unless the context otherwise requires:

Advertising or Marketing Communication means any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer, and

- over which the advertiser or marketer has a reasonable degree of control¹, and
- that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct, but does not include Excluded Advertising or Marketing Communications.

Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product. The Board shall have regard to the Practice Note to this Code in determining whether Advertising or Marketing Communications are to children under this definition.

The Board means the board appointed by the Advertising Standards Bureau from time to time, the members of which are representative of the community, to administer a public complaints system in relation to Advertising or Marketing Communications.

Alcohol Products means products which have some association with alcohol including alcoholic beverages, food products that contain alcohol

or other products that are associated in some way with alcohol including in the sense of being branded in that way.

Children means persons 14 years old or younger and Child means a person 14 years old or younger.

Excluded Advertising or Marketing Communications means labels or packaging for Products, public relations communications (corporate or consumer) and related activities and, in the case of broadcast media, any material which promotes a program or programs to be broadcast on that same channel or station.

Medium means any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, television, telecommunications, or other direct-to-consumer media including new and emerging technologies.

Premium means anything offered either free, at a reduced price, or with an additional cost and which is conditional upon the purchase of an advertised product.

Prevailing Community Standards means the community standards determined by the Board as those prevailing at the relevant time in relation to Advertising or Marketing Communications to Children. Prevailing Community Standards apply to Section 2 below. The determination by the Board shall have regard to Practice Notes published by AANA and any research conducted by the Advertising Standards Bureau.

Product means goods, services and/or facilities which are targeted toward and have principal appeal to Children.

¹ Reasonable Control is defined in the AANA 2012 Code of Ethics Practice Note, as amended from time to time.

2. Code of Practice

2.1 Prevailing Community Standards

Advertising or Marketing Communications to Children must not contravene Prevailing Community Standards.

2.2 Factual Presentation

Advertising or Marketing Communications 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 or demonstrated in the Advertising or Marketing Communication;
 - iii. the need for any accessory parts; and
 - iv. that the Advertising or Marketing Communication is in fact a commercial communication rather than program content, editorial comment or other non-commercial communication.
- (d) Price
 - i. Prices, if mentioned in Advertising or Marketing Communications to Children, must be accurately presented in a way which can be clearly understood by Children and must not be minimised by words such as “only” or “just”;
 - ii. Advertising or Marketing Communications to Children must not imply that the Product being promoted is immediately within the reach of every family budget.

2.3 Placement

Advertising or Marketing Communications to Children must not be placed in Media where editorial comment or program content, in close proximity to that communication, or directly accessible by Children as a result of the communication, is unsuitable for Children according to Prevailing Community Standards.

2.4 Sexualisation

Advertising or Marketing Communications to Children:

- (a) must not employ sexual appeal;
- (b) must not include sexual imagery in contravention of Prevailing Community Standards; and
- (c) must not state or imply that Children are sexual beings and that ownership or enjoyment of a Product will enhance their sexuality

2.5 Safety

Advertising or Marketing Communications 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 or create an unrealistic impression in the minds of Children or their parents or carers about safety; and
- (b) must not advertise Products which have been officially declared unsafe or dangerous by an authorised Australian government authority.

2.6 Social Values

Advertising or Marketing Communications 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, sex.

2.7 Parental Authority

Advertising or Marketing Communications to Children:

- (a) must not undermine the authority, responsibility or judgment of parents or carers;
- (b) must not contain an appeal to Children to urge their parents, carers or another person to buy a Product for them;
- (c) must not state or imply that a Product makes Children who own or enjoy it superior to their peers; and
- (d) must not state or imply that persons who buy the Product are more generous than those who do not.

2.8 Qualifying Statements

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

2.9 Competitions

An Advertising or Marketing Communication to Children which includes a competition 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.

2.10 Popular Personalities

Advertising or Marketing Communications to Children must not use popular personalities or celebrities (live or animated) to endorse, recommend, promote or advertise or market Products or Premiums in a manner that obscures the distinction between commercial promotions and program or editorial content.

2.11 Premiums

Advertising or Marketing Communications to Children, which include or refer to or involve an offer of a Premium:

- (a) must not create a false or misleading impression in the minds of Children about the content of the Product;
- (b) must be presented conspicuously;
- (c) must not create a false or misleading impression in the minds of Children that the product being advertised or marketed is the Premium rather than the Product;
- (d) must not refer to the premium in more than an incidental manner to the advertised product;
- (e) must make the terms of the offer clear as well as any conditions or limitations; and
- (f) must not use Premiums in a way that promotes irresponsible use or excessive consumption of the Product.

2.12 Alcohol

Advertising or Marketing Communications to Children must not be for, or relate in any way to, Alcohol Products or draw any association with companies that supply Alcohol Products.

2.13 Privacy

If an Advertising or Marketing Communications indicates that personal information in relation to a Child will be collected, or, if as a result of an Advertising and Marketing Communication, personal information of a Child will or is likely to be collected, then the Advertising or Marketing Communication must include a statement that the Child must obtain a parent or guardian's express consent prior to engaging in any activity that will result in the collection or disclosure of such personal information.

Personal information is information that identifies the child or could identify the child.

2.14 Food and Beverages

- (a) Advertising or Marketing Communications to Children for food or beverages must neither encourage nor promote an inactive lifestyle or unhealthy eating or drinking habits;
- (b) Advertising or Marketing Communications to Children must comply with the AANA Food & Beverages Advertising & Marketing Communications Code.

2.15 AANA Code of Ethics

Advertising or Marketing Communications to Children must comply with the AANA Code of Ethics.

5. AANA Environmental Claims in Advertising and Marketing Code

This Code has been adopted by the AANA as part of advertising and marketing self-regulation.

The object of this code is to ensure that advertisers and marketers develop and maintain rigorous standards when making Environmental Claims in Advertising and Marketing Communications and to increase consumer confidence to the benefit of the environment, consumers and industry.

Providing clear, straightforward, environmental information, as outlined in this code, has benefits for consumers and business alike. By providing information about the environmental impacts and qualities of products and services, environmental claims (sometimes called ‘green’ claims) help consumers make informed buying choices. They also help raise awareness of the issues, enhance consumer understanding and improve product standards overall. At the same time businesses can enhance their credentials and demonstrate to the community at large their willingness to be accountable for upholding these standards.

Principles

AANA supports the following principles for environmental claims.

Claims should be:

- Truthful and factual
- Relevant to the product or service and its actual environmental impacts, and
- Substantiated and verifiable.

Definitions

In this Code, unless the context otherwise requires:

Advertising or Marketing Communication means:

- (a) 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 the product, service, person, organisation or line of conduct; or
- (b) any activity which is undertaken by or on behalf of an advertiser or marketer 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, but does not include Excluded Advertising or Marketing Communications.

Advertising Standards Board means the board appointed by the Advertising Standards Bureau from time to time, the members of which are representative of the community, to administer a public complaints system in relation to Advertising or Marketing Communications.

Authoritative (organisation, initiative, program) means a source of expert information, advice, assistance and includes, but is not limited to, government, industry bodies, scientific/technical organisations, independent certification schemes, international or national standards setting organisations.

Environment includes:

- (a) ecosystems and their constituent parts, including people and communities; and
- (b) natural and physical resources; and
- (c) the qualities and characteristics of locations, places and areas.

Environmental Aspect means the element of a product, a component or packaging or service that interacts with or influences (or has the capacity to interact with or influence) the Environment.

Environmental Claim means any representation that indicates or suggests an Environmental Aspect of a product or service, a component or packaging of, or a quality relating to, a product or service.

Excluded Advertising or Marketing Communications means a label or packaging for Products.

Medium means any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, telecommunications, television or other direct-to-consumer media including new and emerging technologies.



Code of Practice

1 Truthful and factual presentation

Environmental Claims in Advertising or Marketing Communications:

- i. shall not be misleading or deceptive or be likely to mislead or deceive.
- ii. must not be vague, ambiguous or unbalanced.
- iii. must display any disclaimers or important limitations and qualifications prominently, in clear, plain and specific language.
- iv. must be supported by evidence that is current and reflects legislative, scientific and technological developments.
- v. that make any claim relating to future matters or commitments must be based on reasonable grounds.
- vi. must not lead the consumer to conclude a business has voluntarily adopted an environmental practice if that practice has been legally mandated.
- vii. must not imply a product or service is endorsed or certified by another organisation when it is not.
- viii. must represent the attributes or extent of the environmental benefits or limitations as they relate to a particular aspect of a product or service in a manner that can be clearly understood by the consumer. Relevant information should be presented together.
- ix. must reflect the level of scientific or authoritative acceptance of matters relating to any claim; claims should not imply wide acceptance if this is not the case. Where evidence is inconclusive this should be reflected in the Advertising or Marketing Communication.

- x. that use scientific terminology, technical language or statistics must do so in a way that is appropriate, clearly communicated and able to be readily understood by the audience to whom it is directed. Publication of research results must identify the researcher and source reference unless there is an obligation of confidence or compelling commercial reason not to do so.

2 A genuine benefit to the environment

Environmental Claims must:

- i. be relevant, specific and clearly explain the significance of the claim.
- ii. not overstate the claim expressly or by implication.
- iii. in comparative advertisements, be relevant and balanced either about the product/service advertised or class of products or services, with which it is compared.
- iv. not imply that a product or service is more socially acceptable on the whole. The use of Environmental Claims must not reduce the importance of non-environment attributes/ detriments of a product or service.
- v. not imply direct relationship to social initiatives of a business where there is no correlation to environmental benefits or attributes or improvements to a product or service.

3 Substantiation

- i. Environmental Claims must be able to be substantiated and verifiable. Supporting information must include sufficient detail to allow evaluation of a claim.
- ii. Environmental Claims must meet any applicable standards that apply to the benefit or advantage claimed.
- iii. The use of unqualified general claims of environmental benefit should be avoided unless supported by a high level of substantiation or associated with a legitimate connection to an authoritative source.
- iv. Environmental Claims and comparisons that are qualified or limited may be acceptable if advertisers can substantiate that the product/ service provides an overall improvement in environmental terms either against a competitor's or their own previous products.
- v. Claims relating to sponsorships, approvals, endorsement or certification schemes must be current.
- vi. The use of any symbol or logo must be explained unless the symbol is required by law, or is underpinned by regulations or standards, or is part of an authoritative certification scheme.
- vii. Substantiation information should be readily accessible, or made available in a timely manner in response to a reasonable written request.
- viii. Testimonials must reflect genuine, informed and current opinion of the person giving the testimonial.

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September 2009

6. AANA Food and Beverages Advertising and Marketing Communications Code

1. Definitions

In this Code, unless the context otherwise requires:

Advertising or Marketing Communication means:

- (a) 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 the product, service, person, organisation or line of conduct; or
- (b) any activity which is undertaken by or on behalf of an advertiser or marketer 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, but does not include Excluded Advertising or Marketing Communications.

Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for a Children's Food or Beverage Product.

Advertising Standards Board means the board appointed by the Advertising Standards Bureau from time to time, the members of which are representative of the community, to administer

a public complaints system in relation to Advertising or Marketing Communications.

Average Consumer means a regular adult family shopper able to compare products by label-listed definition.

Children means persons 14 years old or younger and **Child** means a person 14 years old or younger.

Children's Food or Beverage Product means any food or beverage product other than alcoholic beverages as defined in and subject to regulation by the Alcohol Beverages Advertising Code, which is targeted toward and has principal appeal to Children.

Excluded Advertising or Marketing Communications means labels or packaging for Products.

Food or Beverage Products means any food or beverage products other than alcoholic beverages as defined in and subject to regulation by the Alcohol Beverages Advertising Code.

Medium means any medium whatsoever including without limitation cinema, internet, outdoor media, print, radio, television, telecommunications, or other direct to consumer media including new and emerging technologies.

Premium means anything offered free or at a reduced price and which is conditional upon the purchase of a regular Product.

Prevailing Community Standards means the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to the advertising or

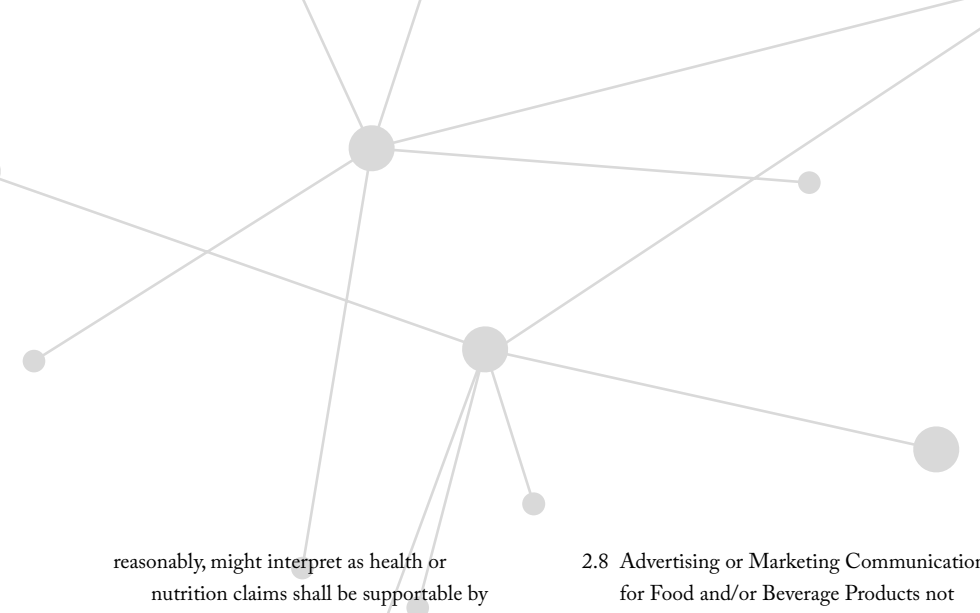
marketing of Food or Beverage Products taking into account, at a minimum, the requirements of the Australia New Zealand Food Standards Code, the Australian Dietary Guidelines as defined by the National Health and Medical Research Council and the National Physical Activity Guidelines as published by the Federal Government of Australia.

2. Advertising or marketing communications for food or beverage products

2.1 Advertising or Marketing Communications for Food 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 or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.

2.2 Advertising or Marketing Communications for Food 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 or Marketing Communications for Food 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 or Marketing Communications for Food or Beverage Products which include nutritional or health related comparisons shall be represented in a non-misleading and non-deceptive manner clearly understandable by an Average Consumer.

2.5 Advertising or Marketing Communications for Food 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 or Marketing Communications for Food 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 or Marketing Communications for Food or Beverage Products appearing within segments of media devoted to general and sports news and/or current affairs, shall not use associated sporting, news 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 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 or Marketing Communications for Food and/or Beverage Products must comply with the AANA Code of Ethics and the AANA Code for Advertising & Marketing Communications to Children.

3. Advertising and children

3.1 Advertising or Marketing Communications to Children 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 or Marketing Communications to Children shall not improperly exploit Children's imaginations 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 Children's Food or Beverage Product/s.

3.3 Advertising or Marketing Communications to Children shall not state nor imply that possession or use of a particular Children's Food or Beverage Product will afford physical, social or psychological advantage over other Children, or that non possession of the Children's Food or Beverage Product would have the opposite effect.



3.4 Advertising or Marketing Communications to Children shall not aim to undermine the role of parents or carers in guiding diet and lifestyle choices.

3.5 Advertising or Marketing Communications to Children shall not include any appeal to Children to urge parents and/or other adults responsible for a child's welfare to buy particular Children's Food or Beverage Products for them.

3.6 Advertising or Marketing Communications to Children shall not feature ingredients or Premiums unless they are an integral element of the Children's Food or Beverage Product/s being offered.

7. AFGC - Responsible Children's Marketing Initiative of the Australian Food and Beverage Industry

1. Background

The Australian Food and Grocery Council (AFGC) is committed to responsible advertising and marketing of food and/or beverages to Children.

This Initiative provides a common framework to ensure that only food and beverages that represent healthier choices are promoted directly to Children. Whilst it remains the primary responsibility of parents to guide their children's behaviour in this area, Signatories are voluntarily pursuing this Initiative as a means of assisting parents in their efforts.

This Initiative will provide confidence in the responsible marketing practices via clear expectations of the form, spirit and context of Advertising and Marketing Communications to Children, and a transparent process for monitoring and review of practices.

This Initiative has been developed in collaboration with the Australian Association of National Advertisers (AANA) as part of the system of advertising and marketing self-regulation in Australia. Signatories to this Initiative must also abide by:

- The AANA Code of Ethics
- The AANA Code for Advertising and Marketing Communications to Children
- The AANA Food and Beverages Advertising and Marketing Communications Code

This document outlines the minimum commitments required by Signatories. Signatories may choose to adopt additional commitments.

2. Objectives

The objectives of this Initiative are to:

- Reduce Advertising and Marketing Communications to Children for food and beverage products that do not represent healthier choices;
- Use Advertising and Marketing Communications to Children to help promote healthy dietary choices and healthy lifestyles amongst Australian children;
- Provide an independent, best practice avenue for consumers to raise concerns regarding Advertising and Marketing Communications to Children for food and beverage products and issues of non-compliance through the Advertising Standards Bureau.

3. Definition

Advertising or Marketing Communications

Any material which is published or broadcast using any Medium which is undertaken by, or on behalf of a Signatory, and

- Over which the Signatory has a reasonable degree of control, and
- That draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct,

but does not include labels or packaging for products, public relations communications (corporate or consumer) or in-store point of sale material.

Advertising or Marketing Communications to Children

Content

Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products.

Placement

Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or where Children represent 35 per cent or more of the audience of the Medium.

Advertising Standards Board

The appointed body to consider any complaints made under this Initiative.

Advertising Standards Bureau

The secretariat for the Advertising Standards Board.

Children

Persons under 12 years of age.

Children's Television Standards 2009

The Australian Communications and Media Authority Children's Television Standards 2009.

Initiative

The Responsible Children's Marketing Initiative

Initiative Administration Committee

Committee specified in Part 4 of the Initiative, which oversees the management of the Initiative.

Initiative Administration Manager

Employee of the AFGC responsible for the management of the Initiative.

Medium

Television, radio, print, cinema, internet sites

QSR Initiative

The AFGC's Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children.

Signatory

Any company who has agreed to be bound by this Initiative and has submitted their Company Action Plan to AFGC.

4. Initiative administration

Initiative Administration Arrangements

4.1. The AFGC Board has ultimate responsibility for the administration of the Initiative including its purpose, effective management and reporting to stakeholders. The Initiative Administration Manager coordinates the management of the Initiative, with the assistance of the Initiative Administration Committee. The processes are described below and outlined in Figure 1.

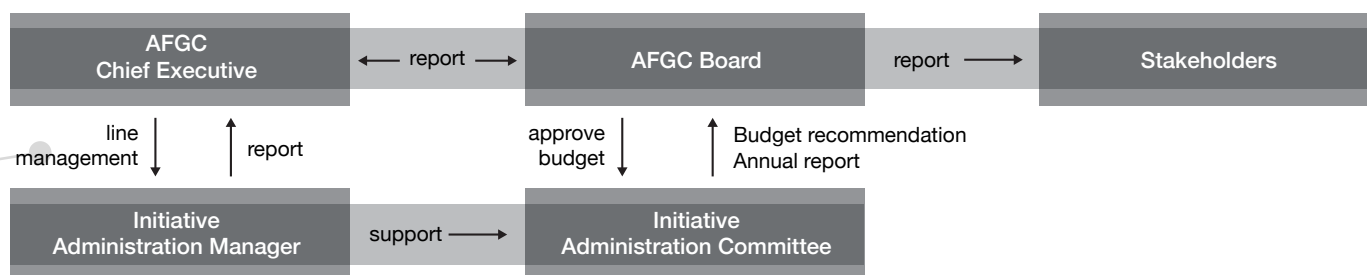
Initiative Administration Manager

4.2. The Initiative Administration Manager from within the AFGC Secretariat coordinates the management of the Initiative. Specific management duties include:

- (a) Developing an annual report and budget
- (b) Developing and facilitating an implementation strategy, including the creation of consumer and industry awareness
- (c) Interacting with industry on matters relating to the Initiative

- (d) Liaising with key stakeholders including the Advertising Standards Bureau
- (e) Coordinating the review of uptake and effectiveness of the Initiative
- (f) Coordinating compliance monitoring arrangements
- (g) Providing strategic advice to the AFGC Board on the value of the Initiative to industry
- (h) Coordinating periodic reviews of the functions of the Initiative and amendments as required
- (i) Supporting the functions of the Initiative Administration Committee

Figure 1: Initiative administration arrangements



Initiative Administration Committee

4.3. The Initiative Administration Committee supports the management of the Initiative and the QSR Initiative in conjunction with the Initiative Administration Manager. Terms of Reference are at Schedule 2.

5. Compliance and complaints

Compliance

5.1. Signatories must develop and publish a Company Action Plan communicating how they will meet the Core Principles of this Initiative.

5.2. All Company Action Plans must be consistent with the Core Principles of this Initiative.

5.3. Where applicable, Company Action Plans must detail the nutrition criteria used to determine healthier dietary choices.

5.4. Signatories must brief all relevant staff on the Core Principles of this Initiative and their Company Action Plan.

5.5. Signatories must report on their Advertising and Marketing Communications to Children on an annual basis.

5.6. AFGC must coordinate monitoring of company activities on an annual basis to confirm compliance. Reports of this monitoring must be made publicly available.

Complaints

5.7. Complaints under this Initiative must be determined by an independent body.

5.8. The Advertising Standards Bureau has been appointed to consider any complaints made under this Initiative.

5.9. Signatories must comply with decisions of the Advertising Standards Board, which may include removing or amending non-compliant Advertising and Marketing Communications.

Schedule 1

Core Principles

Advertising and Marketing Messaging

S1.1. Advertising and Marketing Communications to Children for food and/or beverages must:

- (a) Represent healthier dietary choices, consistent with established scientific or Australian government standards, as detailed in Signatories' Company Action Plan; and
- (b) Reference, or be in the context of, a healthy lifestyle, designed to appeal to Children through messaging that encourages:
 - i. Good dietary habits, consistent with established scientific or government standards; and
 - ii. Physical activity.

Product Placement

S1.2. Signatories must not pay for the placement of, or actively seek to place, food and/or beverage products in the program or editorial content of any Medium directed primarily to Children unless such food and/or beverage products are consistent with S1.1.

Use of Products in Interactive Games

S1.3. Signatories must ensure that any interactive game directed primarily to Children which includes the Signatory's food and/or beverage products is consistent with S1.1.

Advertising in Schools, Pre-Schools and Day Care Centres

S1.4. Signatories must not engage in any Advertising and Marketing Communication to Children in Australian primary schools, pre schools and day care centres, except where specifically requested by, or agreed with, the school administration for educational or informational purposes, or related to healthy lifestyle activities under the supervision of the school administration or appropriate adults.

Schedule 2

Terms Of Reference: Initiative Administration Committee

The Initiative Administration Committee performs an integral role in overseeing the management of the RCMI and the QSR Initiative.

Functions

The core functions include:

1. Overseeing the development of an annual report and budget for presentation to, and approval by, the AFGC Board.
2. Overseeing the budget administration, including the costs incurred administering the Initiative.
3. Overseeing the review of uptake and effectiveness of the Initiative.

4. Providing input into the monitoring of compliance with the Initiative, including corrective actions. This includes compliance via company reporting, purchased advertising data and the Advertising Standards Board's determinations.
5. Providing strategic advice to the AFGC Board on the value of the Initiative to industry and any repositioning or strategies that may improve its effectiveness.
6. Overseeing periodic review of the Initiative and amendments as required.

Membership

There will be 5 members on the Initiative Administration Committee, comprising:

- Chair—AFGC Board member or delegate
- Industry representatives (2)—one from RCMI's Signatories and one from the QSR Initiative's Signatories
- External stakeholders (2)

Duration of Membership

Each member is appointed for a period of two (2) years. Upon completion of this period, an individual may nominate for re-appointment.

Appointment of Members

The Initiative Administration Manager will coordinate the selection and appointment of members and the review of their performance to ensure the continued effectiveness of the Initiative Administration Committee. All members are to be notified to the AFGC Board.

Secretariat

The Initiative Administration Manager will provide secretariat support for all activities of the Initiative Administration Committee.

Meeting Schedule

Meetings will be scheduled on a quarterly basis and held via teleconference. Additional meetings may be held on an as-needs basis via teleconference or face-to-face.

Observers

The Initiative Administration Committee may invite observers to meetings. Observers have no voting rights.

Decision Making Procedure

In the instances that a vote is required, decisions will be made by a majority

8. AFGC – Quick Service Restaurant

Initiative for Responsible Advertising and Marketing to Children

1. Background

The Australian Food and Grocery Council (AFGC) is committed to responsible advertising and marketing of food and/or beverages to Children.

This Initiative provides a common framework to ensure that only food and beverages that represent healthier choices are promoted directly to Children. Whilst it remains the primary responsibility of parents to guide their children's behaviour in this area, Signatories are voluntarily pursuing this Initiative as a means of assisting parents in their efforts.

This Initiative will provide confidence in the responsible marketing practices via clear expectations of the form, spirit and context of Advertising and Marketing Communications to Children, and a transparent process for monitoring and review of practices.

This Initiative has been developed in collaboration with the Australian Association of National Advertisers (AANA) as part of the system of advertising and marketing self-regulation in Australia. Signatories to this Initiative must also abide by:

- The AANA Code of Ethics
- The AANA Code for Advertising and Marketing Communications to Children
- The AANA Food and Beverages Advertising and Marketing Communications Code

This document outlines the minimum commitments required by Signatories. Signatories may choose to adopt additional commitments.

2. Objectives

The objectives of this Initiative are to:

- Reduce Advertising and Marketing Communications to Children for food and beverage products that do not represent healthier choices;
- Use Advertising and Marketing Communications to Children to help promote healthy dietary choices and healthy lifestyles amongst Australian children;
- Provide an independent, best practice avenue for consumers to raise concerns regarding Advertising and Marketing Communications to Children for food and beverage products and issues of non-compliance through the Advertising Standards Bureau.

3. Definition

Advertising or Marketing Communications

Any material which is published or broadcast using any Medium which is undertaken by, or on behalf of a Signatory, and

- Over which the Signatory has a reasonable degree of control, and
- That draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct,
- but does not include labels or packaging for products, public relations communications (corporate or consumer) or in-store point of sale material.

Advertising or Marketing Communications to Children

Content

Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products.

Placement

Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or where Children represent 35 per cent or more of the audience of the Medium.

Advertising Standards Board

The appointed body to consider any complaints made under this Initiative.

Advertising Standards Bureau

The secretariat for the Advertising Standards Board.

Children

Persons under 14 years of age.

Children's Television Standards 2009

The Australian Communications and Media Authority Children's Television Standards 2009.

Initiative

The Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children.

Initiative Administration Committee

Committee specified in Part 4 of the Initiative, which oversees the management of the Initiative.

Initiative Administration Manager

Employee of the AFGC responsible for the management of the Initiative.

Medium

Television, radio, newspaper, magazines, outdoor billboards and posters, emails, interactive games, cinema and internet sites.

Nutrition Criteria

Nutrition criteria, specified in Schedule 2, for assessing Children's meals.

RCMI

The AFGC's Responsible Children's Marketing Initiative.

Signatory

Any company who has agreed to be bound by this Initiative and has submitted their Company Action Plan to AFGC.

4. Initiative administration

Initiative Administration Arrangements

4.1. The AFGC Board has ultimate responsibility for the administration of the Initiative including its purpose, effective management and reporting to stakeholders. The Initiative Administration Manager coordinates the management of the Initiative, with the assistance of the Initiative Administration Committee. The processes are described below and outlined in Figure 1.

Initiative Administration Manager

4.2. The Initiative Administration Manager from within the AFGC Secretariat coordinates the management of the Initiative. Specific management duties include:

- (a) Developing an annual report and budget
- (b) Developing and facilitating an implementation strategy, including the creation of consumer and industry awareness
- (c) Interacting with industry on matters relating to the Initiative

(d) Liaising with key stakeholders including the Advertising Standards Bureau

(e) Coordinating the review of uptake and effectiveness of the Initiative

(f) Coordinating compliance monitoring arrangements

(g) Providing strategic advice to the AFGC Board on the value of the Initiative to industry

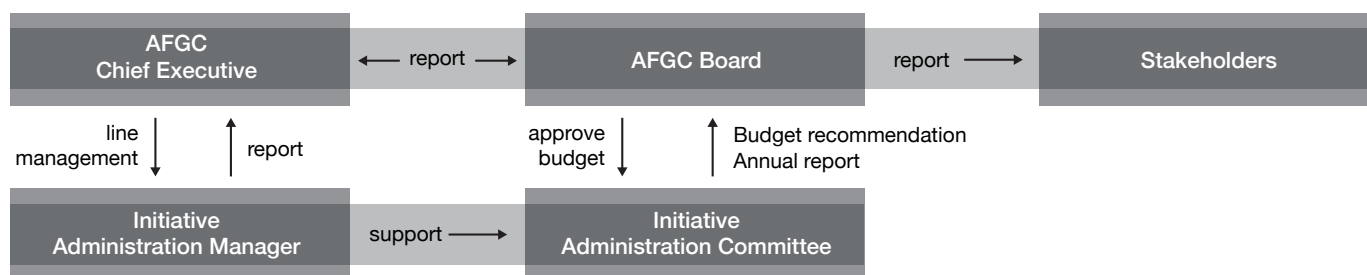
(h) Coordinating periodic review of the functions of the Initiative and amendments as required

(i) Supporting the functions of the Initiative Administration Committee

Initiative Administration Committee

4.3. The Initiative Administration Committee supports the management of the Initiative and the RCMI in conjunction with the Initiative Administration Manager. Terms of Reference are at Schedule 3.

Figure 1: Initiative administration arrangements



5. Compliance and complaints

Compliance

5.1. Signatories must develop and publish a Company Action Plan communicating how they will meet the Core Principles of this Initiative.

5.2. All Company Action Plans must be consistent with the Core Principles of this Initiative.

5.3. Signatories must brief all relevant staff on the Core Principles of this Initiative and their Company Action Plan.

5.4. Signatories must report on their Advertising and Marketing Communications to Children on an annual basis.

5.5. AFGC must coordinate monitoring of company activities on an annual basis to confirm compliance. Reports of this monitoring must be made publicly available.

Complaints

5.6. Complaints under this Initiative must be determined by an independent body.

5.7. The Advertising Standards Bureau has been appointed to consider any complaints made under this Initiative.

5.8. Signatories must comply with decisions of the Advertising Standards Board, which may include removing or amending non-compliant Advertising and Marketing Communications.

Schedule 1

Core Principles

Advertising and Marketing Messaging

S1.1. Advertising and Marketing Communications to Children for food and/or beverages must:

1. Represent healthier dietary choices, as determined by the Nutrition Criteria; and
2. Reference, or be in the context of, a healthy lifestyle, designed to appeal to Children through messaging that encourages:
 - i. Good dietary habits, consistent with established scientific or government standards; and
 - ii. Physical activity.

Product Placement

S1.2. Signatories must not pay for the placement of, or actively seek to place, food and/or beverage products in the program or editorial content of any Medium directed primarily to Children unless such food and/or beverage products are consistent with S1.1.

Use of Products in Interactive Games

S1.3. Signatories must ensure that any interactive game directed primarily to Children which includes the Signatory's food and/or beverage products is consistent with S1.1.

Advertising in Schools, Pre-Schools and Day Care Centres

S1.4. Signatories must not engage in any Advertising and Marketing Communications to Children in Australian primary schools, pre schools and day care centres, except where

specifically requested by, or agreed with, the school administration for educational or informational purposes, or related to healthy lifestyle activities under the supervision of the school administration or appropriate adults.

Children's Sporting Events

S1.5. Signatories must not give away food and/or beverage products or vouchers to Children as awards or prizes at Children's sporting events unless those products meet the Nutrition Criteria.

Availability of Nutrition Information

S1.6. Nutrition profile information must be available on company websites and upon request in respect of all food and beverage products.

On-Pack Nutrition Labelling

S1.7. Nutrition profile information must be provided on packaging wherever possible in respect of those food products usually contained in such packaging to assist parents and guardians to make informed food choices for their Children

Schedule 2

Nutrition Criteria

The Nutrition Criteria for assessing Children's meals, according to the Initiative, are as follows:

S2.1. Meal composition

- (a) The meal must be comprised of at least a main and a beverage.
- (b) The meal should reflect general principles of healthy eating as defined by credible nutrition authorities.

S2.2. Energy

- (a) The meal must satisfy an energy criteria based on the Nutrient Reference Values¹ for children of different age groups. The maximum energy limits for each target age group are as follows:
- 4-8 years - 2080 kJ per meal
 - 9-13 years - 2770 kJ per meal

S2.3. Nutrients of public health concern

- (a) The meal must not exceed maximum limits as follows:
- Saturated fat - 0.4g per 100kJ;
 - Sugar - 1.8g per 100kJ; and
 - Sodium - 650mg per serve.
- (b) Overall, the average level of saturated fat, sugar and sodium in the meal will be less than what children are currently eating (based on the Children's Survey²).

The nutrition criteria for assessing children's meals have been developed by a team of Accredited Practising Dietitians in consultation with national guidelines and authorities on children's nutrition.

Schedule 3

Terms Of Reference: Initiative Administration Committee

The Initiative Administration Committee performs an integral role in overseeing the management of the RCMi and the QSR Initiative.

Functions

The core functions include:

1. Overseeing the development of an annual report and budget for presentation to, and approval by, the AFGC Board.
2. Overseeing the budget administration, including the costs incurred administering the Initiative.
3. Overseeing the review of uptake and effectiveness of the Initiative.
4. Providing input into the monitoring of compliance with the Initiative, including corrective actions. This includes compliance via company reporting, purchased advertising data and the Advertising Standards Board's determinations.
5. Providing strategic advice to the AFGC Board on the value of the Initiative to industry and any repositioning or strategies that may improve its effectiveness.
6. Overseeing periodic review of the Initiative and amendments as required.

Membership

There will be 5 members on the Initiative Administration Committee, comprising:

- Chair—AFGC Board member or delegate
- Industry representatives (2)—one from RCMi's Signatories and one from the QSR Initiative's Signatories
- External stakeholders (2)

Duration of Membership

Each member is appointed for a period of two (2) years. Upon completion of this period, an individual may nominate for re-appointment.

Appointment of Members

The Initiative Administration Manager will coordinate the selection and appointment of members and the review of their performance to ensure the continued effectiveness of the Initiative Administration Committee. All members are to be notified to the AFGC Board.

Secretariat

The Initiative Administration Manager will provide secretariat support for all activities of the Initiative Administration Committee.

Meeting Schedule

Meetings will be scheduled on a quarterly basis and held via teleconference. Additional meetings may be held on an as-needs basis via teleconference or face-to-face.

Observers

The Initiative Administration Committee may invite observers to meetings. Observers have no voting rights.

Decision Making Procedure

In the instances that a vote is required, decisions will be made by a majority.

¹ National Health and Medical Research Council. Nutrient Reference Values for Australia and New Zealand. Canberra: Commonwealth of Australia; 2006.

² Australian Government: Department of Health and Ageing. 2007 Australian National Children's Nutrition and Physical Activity Survey. Canberra: Commonwealth of Australia; 2008.

9. FCAI 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 for motor 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, “0–100 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.

1. 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

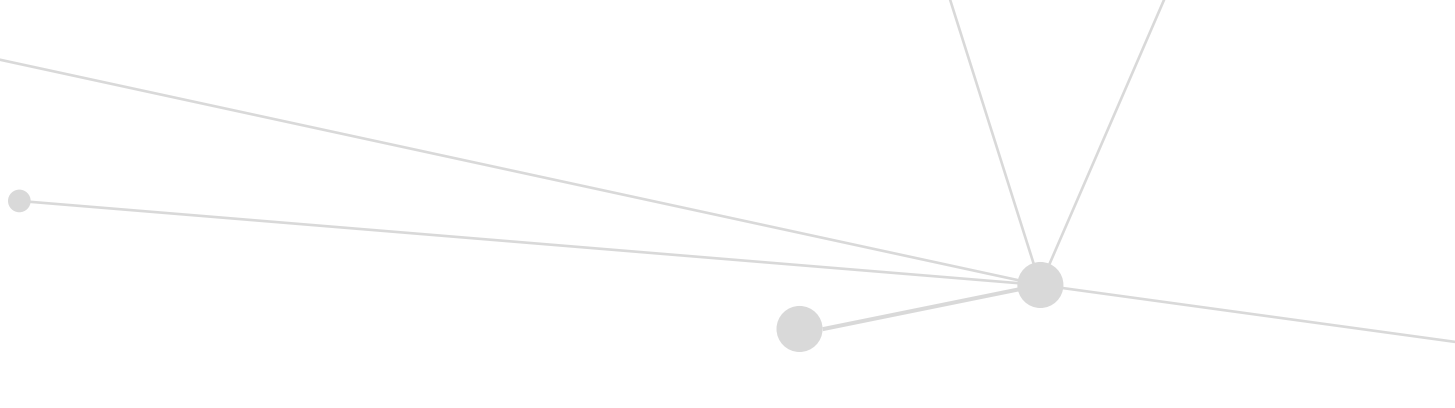
that of the driver having been designed with special features for off-road operation, consistent with the requirements of the definition for such a vehicle as provided in the Australian Design Rules (MC category). An off-road vehicle will normally have 4 wheel drive.

- (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.

- (b) [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.]
- (c) People driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast.
- (d) 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.
- (e) [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.]
- (f) 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.
- (g) Deliberate and significant environmental damage, particularly in advertising for off-road vehicles.

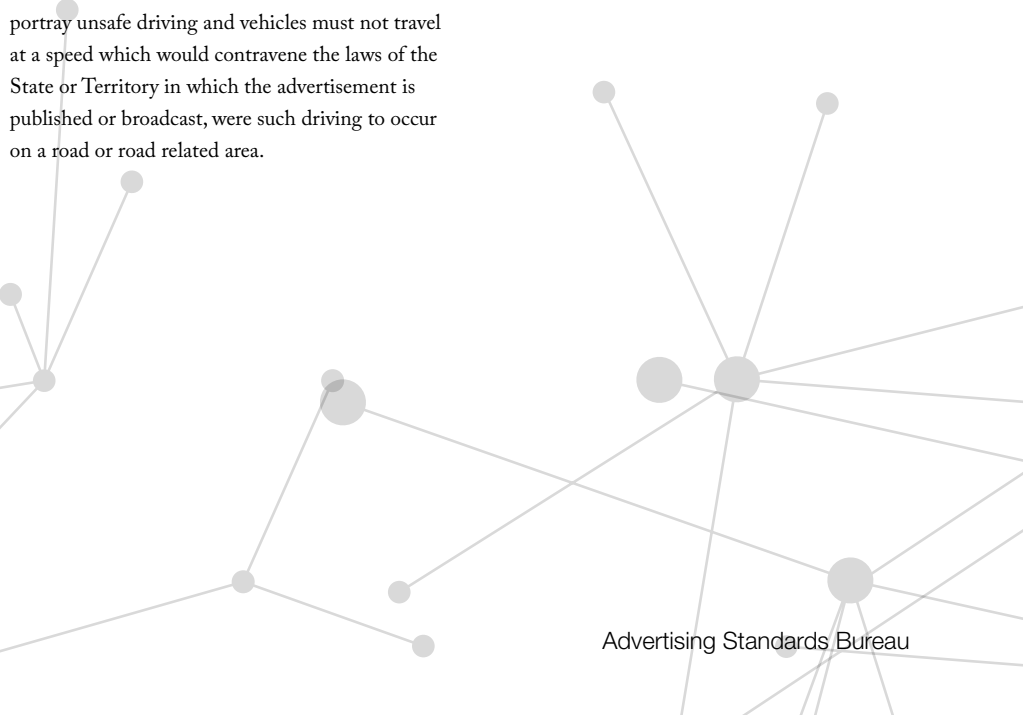
3. Use of Motor Sport in Advertising

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.



10. Alcohol Beverages Advertising (and Packaging) Code

1. Preamble

The ABAC Responsible Alcohol Marketing Code is designed to ensure that alcohol is marketed in a responsible manner. Signatories to the Code are committed to ensuring that their marketing complies with the Code's spirit and intent. The Code complements Australian legislation, the AANA Code of Ethics and media-specific codes relevant to the placement of marketing. From time to time, the ABAC Scheme may publish best practice advice to industry. That advice does not form part of the Code but complements it by assisting industry to achieve high levels of responsibility in the management of its marketing.

2. Application

(a) The Code APPLIES to all Marketing Communications in Australia generated by or within the reasonable control of a Marketer, except as set out in Section 2(b). This includes, but is not limited to:

- brand advertising (including trade advertising)
- competitions
- digital communications (including in mobile and social media and user generated content)
- product names and packaging
- advertorials
- alcohol brand extensions to non-alcohol beverage products
- point of sale materials
- retailer advertising
- Marketing Collateral

(b) The Code does NOT apply to:

- i. Materials or activities whose sole purpose is to educate about misuse or abuse of alcohol beverages and which do not include a company's product branding;
- ii. information in company annual reports, corporate public affairs messages or internal company communications;
- iii. the name or packaging of a product, including the use of a trademark on a product which a supplier can demonstrate, to the satisfaction of the Adjudication Panel, had been supplied for bona fide retail sale in the ordinary course of business in Australia prior to 31 October 2009;
- iv. point of sale Marketing Communications initiated by Alcohol Beverage retailers (as these are regulated by liquor licensing legislation), provided that a producer or distributor of Alcohol Beverages has no control over the point of sale Marketing Communication;
- v. Sponsorship;
- vi. the placement of a Marketing Communication, except to the extent that placement may impact on how the Marketing Communication is understood in accordance with section 4.

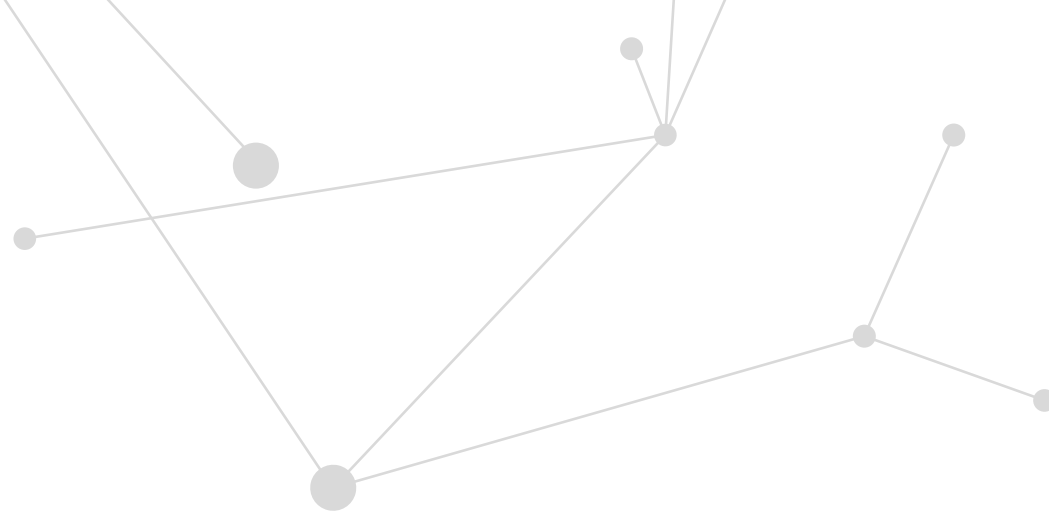
3. Standards to be applied

(a) Responsible and moderate portrayal of Alcohol Beverages A Marketing Communication must NOT:

- i. show (visibly, audibly or by direct implication) or encourage the excessive or rapid consumption of an Alcohol Beverage, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines;
- ii. show (visibly, audibly or by direct implication) or encourage irresponsible or offensive behaviour that is related to the consumption or presence of an Alcohol Beverage;
- iii. challenge or dare people to consume an Alcohol Beverage; or
- iv. encourage the choice of a particular Alcohol Beverage by emphasising its alcohol strength (unless emphasis is placed on the Alcohol Beverage's low alcohol strength relative to the typical strength for similar beverages) or the intoxicating effect of alcohol.

(b) Responsibility toward Minors A Marketing Communication must NOT:

- i. have Strong or Evident Appeal to Minors;
- ii. depict a person who is or appears to be a Minor unless they are shown in an incidental role in a natural situation (for example, a family socialising responsibly) and where there is no implication they will consume or serve alcohol; or



iii. depict an Adult who is under 25 years of Age and appears to be an Adult unless:

- (A) they are not visually prominent; or
- (B) they are not a paid model or actor and are shown in a Marketing Communication that has been placed within an Age Restricted Environment.

(c) Responsible depiction of the effects of alcohol A Marketing Communication must NOT:

- i. suggest that the consumption or presence of an Alcohol Beverage may create or contribute to a significant change in mood or environment;
- ii. show (visibly, audibly or by direct implication) the consumption or presence of an Alcohol Beverage as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;
- iii. if an Alcohol Beverage is shown (visibly, audibly or by direct implication) as part of a celebration, imply or suggest that the Alcohol Beverage was a cause of or contributed to success or achievement; or
- iv. suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.

(d) Alcohol and Safety A Marketing Communication must NOT show (visibly, audibly or by direct implication) the consumption of an Alcohol Beverage before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as the control of a motor vehicle, boat or machinery or swimming.

4. Interpretation

Compliance of a Marketing Communication with the Code is to be assessed in terms of the probable understanding of the Marketing Communication by a reasonable person to whom the material is likely to be communicated, and taking its content as a whole. Capitalised terms have the meanings set out in section 5 below. Headings do not expand the Code.

5. Definitions

In this Code:

AANA Code of Ethics means the Australian Association of National Advertisers Code of Ethics.

ABAC Scheme means The ABAC Scheme Limited.

Adjudication Panel means the panel convened to adjudicate a complaint received by the ABAC Scheme.

Adult means a person who is of legal purchase age in Australia.

Age-Restricted Environment means:

- licensed premises that do not permit entry by Minors; or
- a non alcohol-specific age-restricted digital platform (including, for example, a social media website or application) which:
 - requires users to register and login to use the platform, including the provision of their full date of birth; and
 - is able to hide the existence of any alcohol-related pages, sites and content such that they are not visible other than to

a user who has registered on the platform as being 18 years of age or over.

Alcohol Beverage means a beverage containing at least 0.5% alcohol by volume.

Australian Alcohol Guidelines means the electronic document 'Australian Guidelines to Reduce Health Risks from Drinking Alcohol (1-2)' published by the National Health & Medical Research Council ("NHMRC") as at 1st January 2010.

Code means this ABAC Responsible Alcohol Marketing Code.

Marketer means a producer, distributor or retailer of Alcohol Beverages.

Marketing Collateral means material used by a Marketer to promote a brand and support the sales and marketing of Alcohol Beverages, including gifts with purchase, competition prizes and branded merchandise.

Marketing Communications means marketing communications in Australia generated by or within the reasonable control of a Marketer (apart from the exceptions listed in Section 2(b)), including but not limited to brand advertising (including trade advertising), competitions, digital communications (including in mobile and social media), product names and packaging, advertorials, alcohol brand extensions to non-alcohol beverage products, point of sale materials, retailer advertising and Marketing Collateral.

Minor means a person who is under 18 years of age and therefore not legally permitted to purchase an Alcohol Beverage in Australia.



Strong or Evident Appeal to Minors means:

- i. likely to appeal strongly to Minors;
- ii. specifically targeted at Minors;
- iii. having a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;
- iv. using imagery, designs, motifs, animations or cartoon characters that are likely to appeal strongly to Minors or that create confusion with confectionary or soft drinks; or
- v. using brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors

Sponsorship means any agreement or part of an agreement involving payment or other consideration in lieu of payment by a Marketer to support a sporting or cultural property, event or activity, in return for which the sponsored party agrees to be associated with or promote the sponsor's Alcohol Beverage or outlet. Sponsorship also includes naming rights of events or teams and the inclusion of a brand name and/or logo at an event venue or on uniforms of participants (excluding branded merchandise).







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