



ADVERTISING  
STANDARDS  
BUREAU

# *respected responsive* **INDEPENDENT**

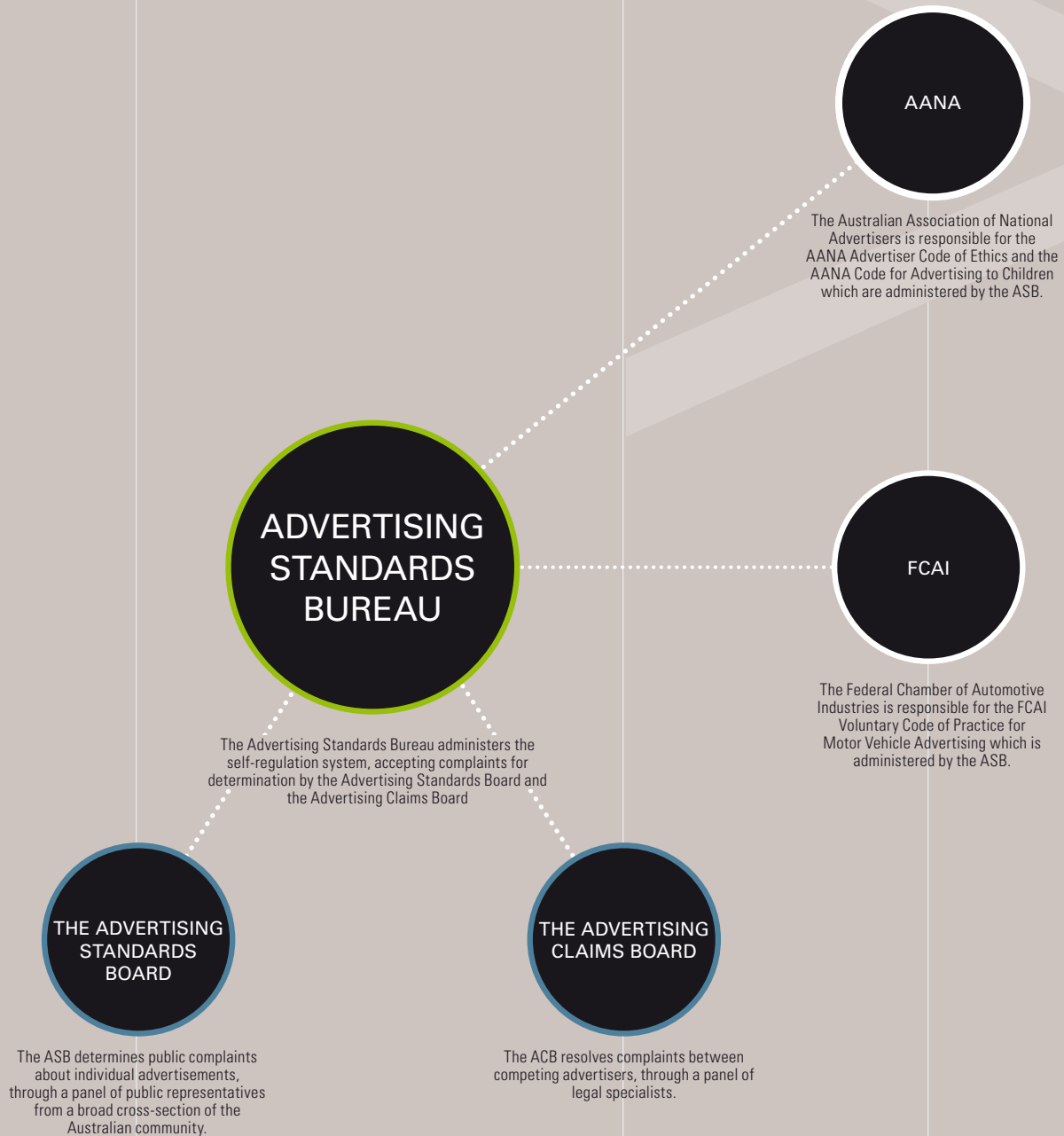
**REVIEW OF OPERATIONS 2004**

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## ***who*** **WE ARE**

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



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

Funded through a levy paid by Australian advertisers, this proven system of advertising self-regulation has operated since 1998 following extensive consultation within the industry and with government and consumer representatives. Public complaints about particular advertisements in relation to issues including health and safety, the use of language, the discriminatory portrayal of people, concern for children and portrayals of violence, sex, sexuality and nudity, are considered cost-free to the community 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.

## Board of Directors REPORT

Australia's stringent regulatory systems to monitor advertising and respond to community complaints are generally regarded as leading edge and world class.

These systems have been in place for decades and there has been widespread support, endorsement and compliance by the industry. In addition, advertisers have embraced and complied with ethical standards they have set for themselves. The central role of the Advertising Standards Bureau is to provide the Australian community with a free and readily accessible means of complaining about advertising and enforcing ethical standards.

Importantly the advertising industry has consistently demonstrated its sense of responsibility by promoting excellence and best practice. By continually revising and evolving its own ethical standards to anticipate and meet community concerns the industry continues to demonstrate that effective self-regulation is by far the most flexible, responsive and inclusive means by which to meet consumer and community needs. Illustrative of the ability of the industry to evolve its own ethical standards is the development of the AANA Code for Advertising to Children, the FCAI Voluntary Code of Practice for Motor Vehicle Advertising and the Alcoholic Beverages Advertising Code.

In combination with the existing regulatory framework, the work of the Advertising Standards Bureau provides the Australian community with the assurance of responsible advertising. The Advertising Standards Bureau continues to raise public awareness of the range of regulatory controls and checks on advertising.

The centre-piece of the self-regulation system is the dedication, composition and independence of the Advertising Standards Board. The Board is made up of people from different walks of life with a diverse cross-section of views and skills. The Board also represents a broad range of age groups and is well gender-balanced. Individual

Board members do not represent any particular interest group and are individually and collectively clearly independent of the industry. On the rare occasion on which an individual member has had a connection with a party concerned in a particular determination, that board member absents herself or himself from the meeting.

The public-mindedness, dedication and independence of the Advertising Standards Board continues to earn it the admiration and respect of both the Australian community and the industry. The Board discharges its responsibilities with fairness, impartiality and with a keen sense of prevailing community values in its broadest sense. Its task is often a difficult one and the outcomes of its determinations will not and cannot please everyone. It is to be commended and congratulated for its service to the community.

The need for effective self-regulation is as strong as ever. The self-regulation system must continue to be responsive to consumer and societal needs and must continue to deliver effective results. Without an effective self-regulation system, the public will become increasingly receptive to more regulation – including legislative intervention. In light of this, the industry has a vested interest in committing seriously to self-regulation and to ensuring that it has a sustainable financial model.

Agencies and the media must also play their part in balancing their creativity with sensitivity to community concerns. They should not remain on the sidelines.

The industry is to be congratulated on its ongoing record of virtually one-hundred percent compliance with the determinations of the Advertising Standards Board. This record continues to reflect the industry's commitment to self-regulation and the maintenance of ethical standards in advertising.

Despite this exemplary record, the industry must meet the ongoing challenge of adhering to evolving ethical standards in order to broaden and deepen the base of support for self-regulation within the industry and with external stakeholders.

Our thanks and appreciation go to the members of the Advertising Standards Board for their continued dedication and to all those whose hard work continues to make the system unequalled internationally.

**DIRECTORS OF THE BOARD OF THE ADVERTISING STANDARDS BUREAU**

## Operational OVERVIEW

### THE ADVERTISING STANDARDS BUREAU

The Advertising Standards Bureau processed a very large number of complaints in 2004, a number only slightly down on the record set in 2003. This high level of usage in 2004 once again demonstrates that the self-regulation system is an effective, comprehensive and efficient means of protecting standards and consumer confidence in the industry.

The Advertising Standards Bureau is pleased to report that the industry has maintained a virtually 100% compliance record for Board decisions – a record that is sure to further promote consumer confidence in the self-regulation system.

The Board has worked hard in determining all complaints against the background of changing community standards. The Board continues to be responsible for the administration of three codes, the AANA Advertiser Code of Ethics, the FCAI Voluntary Code of Practice for Motor Vehicle Advertising and the AANA Code for Advertising to Children.

The Advertising Standards Board is to be congratulated on its efforts in 2004. It remains the centrepiece of a self-regulation system that is nationally and internationally admired.

### THE ADVERTISING CLAIMS BOARD

The Advertising Claims Board continued to provide a purpose-designed alternative to expensive litigation for complaint resolution between competitive advertisers. Two interesting complaints that were received by the Claims Board in 2004 and decided early in 2005 are summarised here:

### McDonald's Australia Limited v Subway

McDonald's Australia ("Complainant") lodged a complaint against Subway ("Advertiser") concerning a television commercial for the Advertiser's products. The Complainant submitted that the advertisement contained misrepresentations about the products offered for sale by the Complainant. The Panel found that the advertisements were not misleading or deceptive or likely to mislead or deceive.

### GlaxoSmithKline v Colgate-Palmolive

GlaxoSmithKline ("Complainant") lodged a complaint against Colgate-Palmolive ("Advertiser") concerning a print advertisement for the Advertiser's Simply White toothpaste. The Complainant alleged that the advertisement was misleading and deceptive in breach of section 1.2 of the AANA Advertiser Code of Ethics (the "Code"). After reviewing detailed submissions and supporting technical information, the Panel held that the advertisement was not misleading or deceptive or likely to mislead or deceive. The Panel dismissed the complaint.

## Board members 2004



**JOHN BOKOR**  
Appointed  
August 1999

A working artist who also manages an art gallery, John Bokor graduated from the National Art School in 1993. His paintings have been regularly exhibited with four solo shows earning critical acclaim. In his mid-twenties, John Bokor has a strong understanding and enthusiasm for popular culture as well as an extensive knowledge of literature, film and contemporary art. John is also joint editor of *A Public of Individuals*, a journal of art criticism.



**THE HON. JOHN BROWN AO**  
Appointed May 1998

Former Federal Tourism Minister, John Brown has the Olympic Silver Order of Merit, Australian Institute of Marketing Gold Medal Award, and has been elected Life Member of the Australian Institute of Sport. He is a member of the President's Council of the Surf Lifesaving Association and President of Spinesafe.



**JULIA CARLAND**  
Appointed May 2004

Julia Carland is a final year Graduate Law student at the University of Sydney and has completed a Bachelor of Arts (Media & Communications) majoring in Media Studies and Geography. She is also a Sydney University Student Ambassador, representing the university at school visits and events around NSW and volunteers at the Inner City Legal Centre. Next year, Julia will be undertaking an associateship with a Federal Court Judge before returning to Blake Dawson Waldron as a Graduate in 2007.



**JOANNA COHEN**  
Inaugural member

Joanna Cohen is the Marketing Information Manager for the University of Sydney and manager of Sydney rock band Flee the Capital. She has also worked in media liaison, qualitative market research (specialising in the youth market) and the Australian film industry.



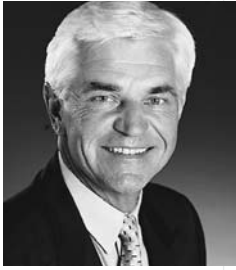
**GRAHAM COX**  
Appointed  
August 1998

Graham Cox has spent all his Australian working life in advertising, the last twenty five years with George Patterson Bates, of which he was a director for twenty years. He has an honorary MA Communications degree.



**THOMAS KENEALLY**  
Inaugural member

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



**JOHN KONRADS**  
Appointed  
May 1998

Olympic Gold medallist and triple Commonwealth medallist, John Konrads brings to the Board extensive experience in industry and sports, during a long corporate career with L'Oreal and Ansett. He is now a director of Cook & Phillip Park Aquatic and Fitness Centre in Sydney's CBD. He contributed to the evolution of numerous consumer regulations. He has been decorated by the French Government with the National Order of Merit.



**GEOFF LAWSON OAM**  
Inaugural member

Geoff "Henry" Lawson has had an outstanding career in Australian cricket both nationally and internationally. In 1990, he was awarded the Order of Australia for services to cricket. He has a degree in Optometry, is a member of the University of NSW Council, the Chairman of the UNSW Optometry Appeal Committee, and a trustee of the Sydney Cricket Ground and Sydney Football Stadium. He was a foundation director of the NSW Sports Federation.



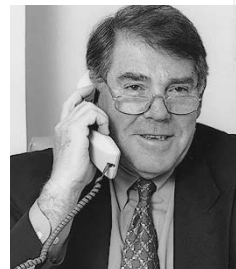
**CATHARINE LUMBY**  
Inaugural member

Catharine Lumby is a columnist and senior writer for The Bulletin as well as Associate Professor of Media Studies at Sydney University. She has written widely on feminism, culture and the media and is the author of the book *Bad Girls: The Media, Sex and Feminism* in the 90s.



**ROY MASTERS**  
Appointed May 1998

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



**BRIAN SWEENEY**  
Appointed  
January 1997

Brian Sweeney is the Chairman of his own company, one of Australia's leading market research companies, and has been involved in market research for thirty five years. He has been at the forefront of evaluating the success of advertising campaigns and providing guidance on what the public think of specific commercials. Brian Sweeney was appointed to the Board in January 1997 and retired in September 2004.



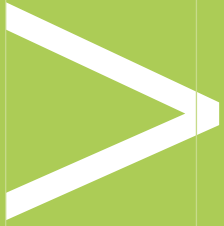
**EMMA TOM**  
Appointed May 2003

Emma Tom is a young writer with three books to her credit. She has worked in radio and television, including some time as a reporter on Channel Seven's *The Late Report*. In 2001, the Women's Electoral Lobby awarded Emma the Edna Ryan Humour Award for "using wit to promote women's interests". She has also received the Henry Lawson Award for Journalism, and currently writes two weekly newspaper columns.



**LIZ WISE**  
Appointed May 2001

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



Looking at the adver  
largest number  
(or more) of the three  
sex, discrimination and  
most complained

tisements of 2004 which attracted the  
of public complaints, all fell into one  
major categories of complaint issue –  
violence. Additionally, all of the top 10  
-about advertisements for 2004 were  
television commercials.

***notable***  
**ADVERTISEMENTS IN**  
**2004**

## ADS *behaving* BADLY?

At the end of 2004 the Board engaged Elspeth Probyn, the Professor and Chair of Gender Studies at the University of Sydney, to prepare a report on the ideas that underpin the public's understanding of representation of women in advertising. Professor Probyn is one of the leading international scholars in gender and cultural studies. The report will be released in late 2005 and forms the basis of a seminar-launch on the representation of women in advertising.

The report includes an accessible account of the academic ideas about the portrayal of women in advertising that have permeated the public realm over the last two decades. It features different ways of understanding the meanings of gender in advertising images. From focus groups conducted with members of the Board, the report details how the Board arrives at decisions about complaints arising from gender images in advertising.

The report will be made available to schools and will provide essential readings for senior high school students. With reproduced images and in-depth commentary, the report will allow for a broader public understanding of the issues involved in the Board's decision making process.

### ELSPETH PROBYN

Professor & Chair – Dept. of Gender Studies

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The advertisement that received the largest number of complaints was the Lion Nathan, Tooheys New television commercial that featured cane toads being struck with golf clubs.

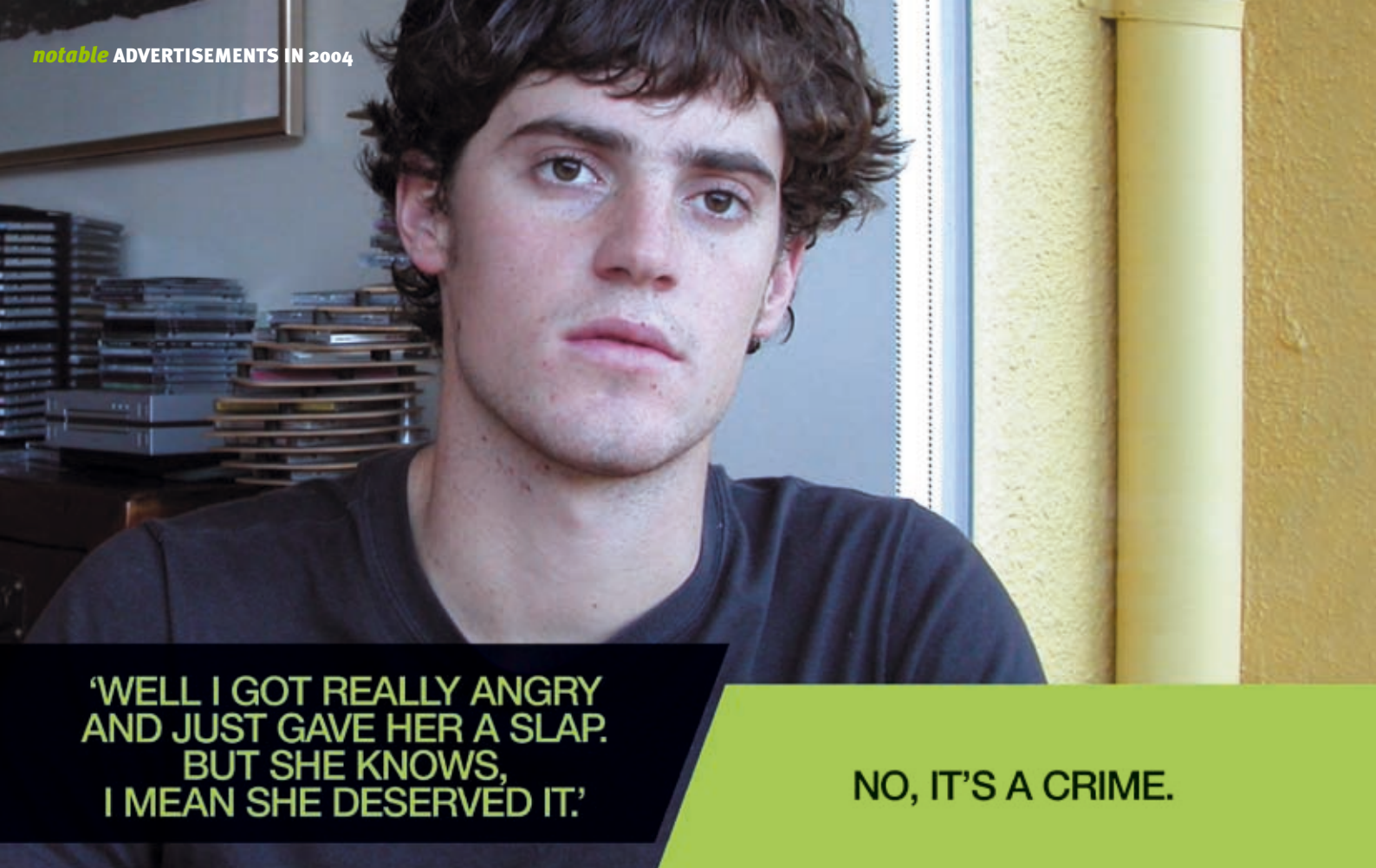
This advertisement received over 200 complaints. The number of complaints received highlights an increase in public awareness of the issue of animal cruelty.



- 1 SCHICK QUATTRO
- 2 BOLLE SUNGLASSES
- 3 AA PREMIUM COPY PAPER COPY ROOM 1

The discriminatory portrayal of people, particularly on the basis of gender, remained the issue most complained about in 2004 with over 36% of all complaints. One of these, a TV commercial for AA Premium Copy Paper (3), attracted over 60 complaints. Others in the same vein in 2004 include the Bendon "Elle Macpherson Intimates" lingerie promotion, Schick Quattro (1), and Bolle sunglasses (2).

While the norm over the years has been for women to complain more than men about gender-based discrimination, 2004 saw some notable exceptions. The VW Polo TV commercial was another example, attracting around 30 complaints, the majority from males. The "Australia says no to domestic violence" campaign (4), run by the Commonwealth Government's Office for the Status of Women, also attracted a large number of complaints, 80% from males, who felt these commercials unfairly stigmatized men and presented an image of all men as violent and liable to commit acts of domestic violence.



'WELL I GOT REALLY ANGRY  
AND JUST GAVE HER A SLAP.  
BUT SHE KNOWS,  
I MEAN SHE DESERVED IT.'

NO, IT'S A CRIME.



- 4 "AUSTRALIA SAYS NO TO DOMESTIC VIOLENCE" CAMPAIGN  
COMMONWEALTH GOVERNMENT'S OFFICE OF THE STATUS OF WOMEN
- 5 INGHAMS CHICKENS
- 6 VICTORIAN TRANSPORT ACCIDENT COMMISSION'S "NO ACCIDENT"  
TELEVISION COMMERCIAL

These two advertisements are representative of a gradual but steady trend which sees males more willing (than in the past) to complain about gender bias in advertising. Not all discrimination-related complaints were gender-based, though.

Discrimination on the basis of race, nationality, disability and age amongst others, also figured prominently in 2004. The Inghams Chicken "adoption agency" (5) promotion was one example, attracting over 40 complaints, almost all of them from adoptive families.

Others included Austereo Triple M's Breakfast Show series of commercials, mocking (among others) immigrant weightlifters, "lesbian" softballers and Chelsea Clinton; a Freedom Furniture commercial featuring African hunters carrying a white man tied to a pole; and the controversial "Jews for Jesus" billboard campaign that appeared in Sydney's eastern suburbs early in the year and attracted criticism from Sydney's Jewish community.

Violence in advertising was the subject of substantial public complaint in 2004. The Lion Nathan Tooheys New advertisement previously mentioned (voluntarily withdrawn by the advertiser before being considered by the Board) attracted



**'MY BOYFRIEND HITS ME,  
THEN HE SAYS HE LOVES ME,  
AND RECKONS IT'S ALL OK.'**

**NO, IT'S A CRIME.**



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the most complaints, but cruelty to animals was the subject of complaints against several other advertisements, such as Sony Playstation (man kicks dog), Bridgestone Tyres (cruelty to animated gecko) and CUB Cougar Bourbon (man rolls cow down a hill).

Of course, violence against people also figured prominently in advertising complaints in 2004. The most complained-about example was the Volkswagen Bora commercial. It was screened during a commercial break in a cable TV documentary on the killing by the SS of over 33,000 Jews in Kiev in 1942, and while the commercial's tone seen in isolation was clearly

light-hearted and satirical, the placement of this advertisement for a German motor car was singularly unfortunate and clearly touched a nerve.

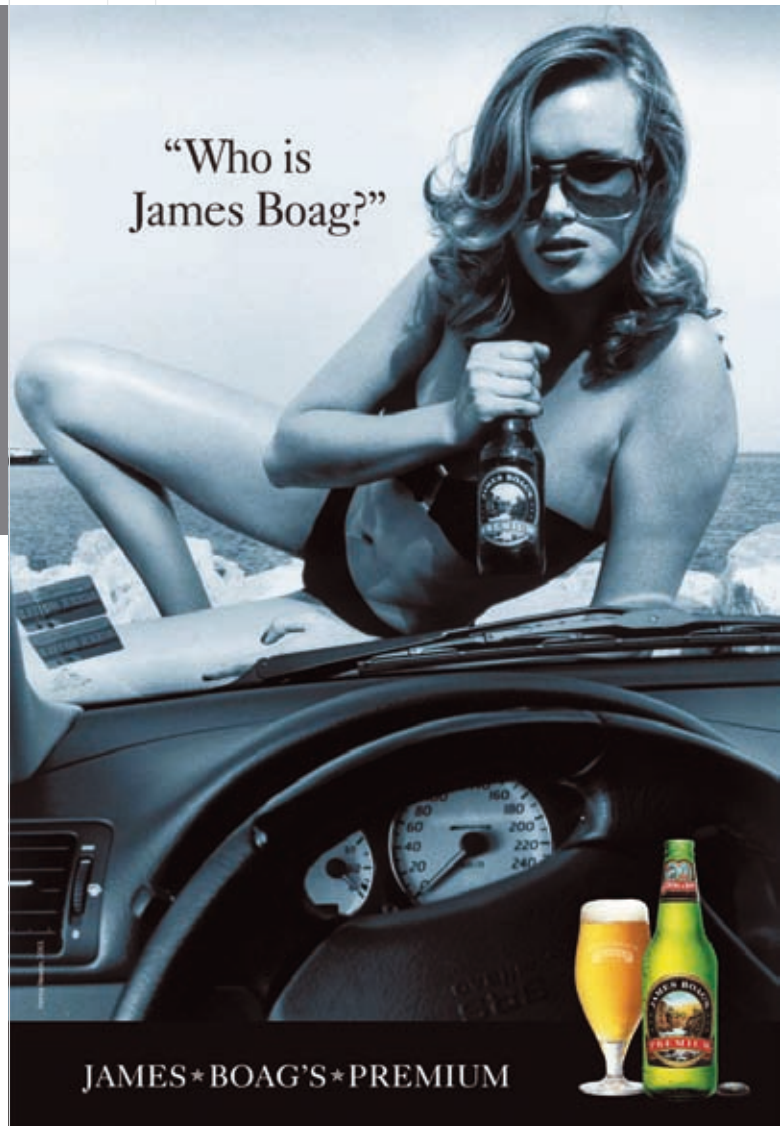
Other examples attracting widespread complaint were the Victorian Transport Accident Commission's "No Accident" television commercial (6), featuring a realistic depiction of a car hitting a child riding a bicycle, and replayed twice during the commercial from different angles and Wizard Home Loans' depiction of a mortgage as a child-monster being spanked. No violence-related complaints against advertisements were upheld in 2004.

Public complaints against the portrayal of sex, sexuality and nudity in advertising were once again prominent in 2004. Ranked third this year behind Portrayal of People and Violence, it still attracted over 17% of all complaints received. Outdoor advertising in particular, such as the Colgate-Palmolive Aroma Therapy Shower Gel campaign (9), received a large number of complaints.

Portrayal of sex in alcohol advertisements in particular was a common cause of public complaint. The Boags "Mercedes" television commercial (8) was one example.

While its billboard campaign (7), was dismissed by the Board in December 2003, it was still attracting public complaints in 2004.

While less widespread than these three major categories of complaint (sex, violence and discrimination) the Board in 2004 also received complaints against the use of language. Examples include: Bonds ("Bugger"); Karcher ("Hand Job"); and Advanced Medical Institute ("Stronga Longa Donga"). Complaints against poor taste were also received once again in 2004. Examples include Unilever Streets Paddle Pop (animated hyena breaks wind); Nova 100 Radio (female process worker drenched in "yellow liquid" from a bucket





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as she holds it up for inspection); and Lion Nathan Tooheys Extra Dry (disembodied tongue crawls through city streets – dismissed in 2003, but still attracting complaints in 2004).

Complaints against motor vehicle advertisements were generally related to these same three major themes. Complaints concerning unsafe driving, or issues covered by the FCAI code of motor vehicle advertising, tended to come from lobby groups rather than the general public. The exception in 2004 was a commercial for Holden Commodore Alloytec V6 (10) following an item on current affairs television in August.



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- 7 BOAGS STRONGARM
- 8 BOAGS "MERCEDES" TELEVISION COMMERCIAL
- 9 COLGATE PALMOLIVE AROMA THERAPY
- 10 HOLDEN COMMODORE ALLOYTEC V6

## ***Complaint* STATISTICS – 2004**

The ASB statistics for 2004 show broadly the continuation of trends in previous years. Overall complaint numbers were slightly down from 2003.

Significantly, there was a doubling of complaints against advertisements withdrawn following ASB intervention, but before a Board determination, reflecting the effectiveness of the complaints process in drawing industry attention to the public's response to advertising. E-mail remained the preferred method of complaint, with almost 70% of all complaints received via email.

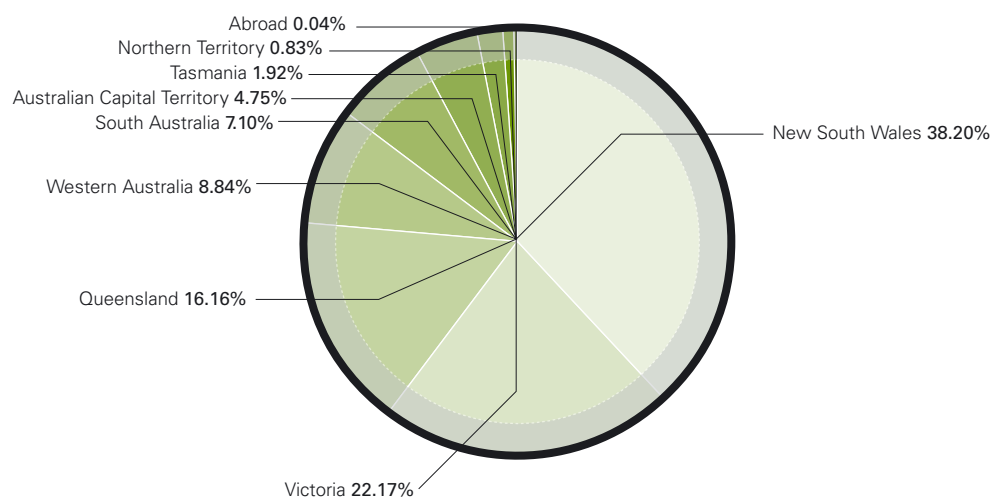
Overall geographic trends remained constant and in proportion to relative populations in each state. Complainants' gender reflected the gradual but steady increase in the proportion of males; however, female complainants remained predominant, with 57% of all complaints. Television once again was the source of the overwhelming majority of complaints, with 85% of the total.

The number of complaints under the FCAI Voluntary Code of Practice for Motor Vehicle Advertising were significant, primarily due to a small number of organisations making multiple complaints. Complaints against violence were also up markedly, due to overwhelming public response to a single advertisement (Lion Nathan Tooheys New "Cane Toads as Golf Balls"). This advertisement was also responsible for promoting alcohol to the leading product category receiving complaints. Other product categories that received a high number of complaints included: Food; Motor Vehicles; Clothing and Toiletries.

<b>Geographic SOURCE OF COMPLAINTS (%)</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
New South Wales	42.20%	39.10%	34.98%	32.94%	31.71%	37.73%	38.20%
Victoria	13.70%	13.60%	23.92%	23.62%	25.61%	24.75%	22.17%
Queensland	19.60%	20.20%	19.71%	16.47%	18.74%	15.86%	16.16%
Western Australia	6.70%	11.80%	7.95%	12.43%	10.53%	7.68%	8.84%
South Australia	11.20%	10.30%	7.87%	9.20%	7.77%	7.22%	7.10%
Australian Capital Territory	2.90%	2.80%	2.38%	2.23%	2.95%	4.40%	4.75%
Tasmania	2.20%	1.70%	2.06%	2.17%	2.25%	1.52%	1.92%
Northern Territory	1.50%	0.50%	1.09%	0.94%	0.39%	0.84%	0.83%
Abroad	0.00%	0.00%	0.04%	0.00%	0.06%	0.00%	0.04%
	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

<b>Outcome OF COMPLAINTS (No.)</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Dismissed	927	1553	1971	1291	1191	1770	1319
Upheld	73	111	162	47	11	23	55
Withdrawn before board determination	0	0	0	0	16	113	236
Outside Charter	382	401	425	367	354	714	656
	<b>1382</b>	<b>2065</b>	<b>2558</b>	<b>1705</b>	<b>1572</b>	<b>2620</b>	<b>2266</b>

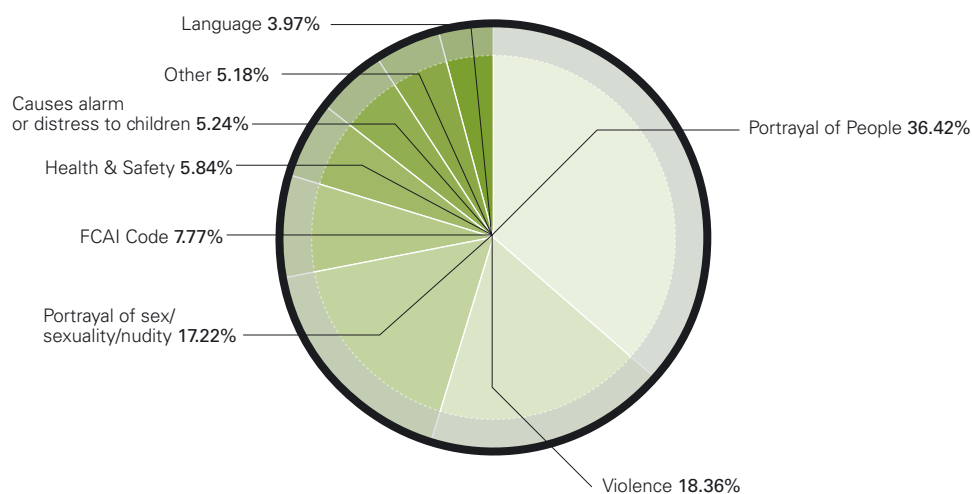
### Geographic SOURCE



<b>Issues ATTRACTING COMPLAINT (%)</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Portrayal of People	24.42%	18.39%	26.59%	27.60%	31.48%	30.32%	36.42%
Violence	30.08%	38.26%	23.07%	22.10%	18.43%	25.46%	18.36%
Portrayal of sex/sexuality/nudity	10.54%	12.41%	15.42%	11.02%	16.93%	8.62%	17.22%
FCAI Code	15.66%	9.75%	13.56%	20.24%	13.11%	10.65%	7.77%
Health & Safety	9.77%	10.56%	7.99%	10.15%	10.46%	8.47%	5.84%
Causes alarm or distress to children	4.65%	3.69%	1.89%	1.99%	5.78%	1.67%	5.24%
Other	0.00%	0.00%	0.00%	0.00%	0.00%	5.43%	5.18%
Language	4.88%	6.94%	11.48%	6.90%	3.81%	9.38%	3.97%
	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

<b>Reason COMPLAINTS FELL OUTSIDE CHARTER (No.)</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Other	372	172	169	189	76	57	351
Not an advertisement	162	79	105	165	184	68	143
Truth & Accuracy	68	40	67	47	74	62	91
Withdrawn/Discontinued	62	38	5	9	20	9	23
Business Practices	13	13	11	3	7	9	3
Specific Industry Code	9	10	8	10	10	13	13
Tobacco	1	2	1	0	0	0	2
Phone Sex	0	0	0	0	4	147	0
Political Advertising	0	0	0	0	3	0	0
Local Advertising	27	0	0	0	2	1	29
Label Directions	0	0	1	2	21	16	1
	<b>714</b>	<b>354</b>	<b>367</b>	<b>425</b>	<b>401</b>	<b>382</b>	<b>656</b>

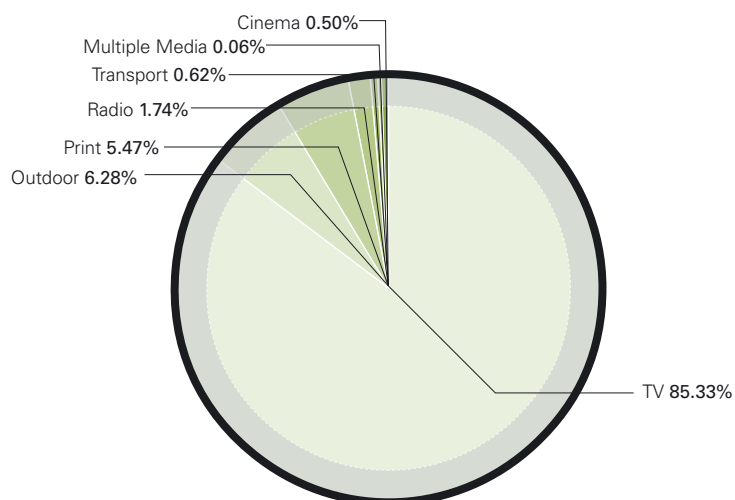
### Issues ATTRACTING COMPLAINT



<b>media ATTRACTING COMPLAINT (%)</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
TV	84.10%	71.70%	71.87%	66.44%	58.22%	80.59%	85.33%
Outdoor	1.90%	11.70%	18.66%	14.01%	29.77%	9.23%	6.28%
Print	10.70%	11.80%	7.41%	13.58%	8.80%	4.48%	5.47%
Radio	2.00%	3.60%	1.22%	1.38%	2.06%	1.69%	1.74%
Transport	0.00%	0.00%	0.00%	0.09%	0.41%	0.63%	0.62%
Multiple Media	0.00%	0.00%	0.46%	4.15%	0.41%	2.95%	0.06%
Cinema	0.60%	1.20%	0.33%	0.35%	0.16%	0.43%	0.50%
Other	0.70%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%
Pay TV	0.00%	0.00%	0.05%	0.00%	0.16%	0.00%	0.00%
	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

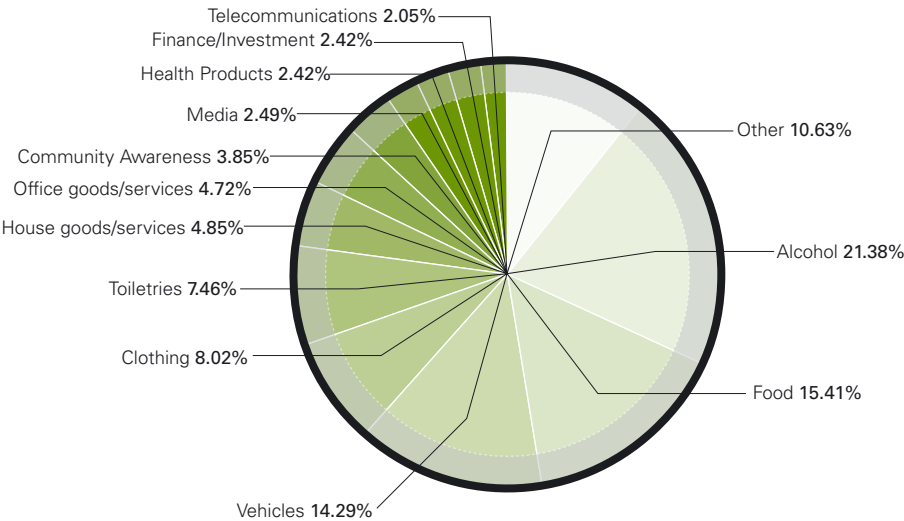
<b>Method OF COMPLAINT (%)</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
E-mail	n/a	n/a	n/a	10.42%	47.46%	60.44%	1319
Post	n/a	n/a	n/a	86.83%	43.32%	32.65%	55
Fax	n/a	n/a	n/a	2.75%	9.22%	6.91%	236
				<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

### Media ATTRACTING COMPLAINT



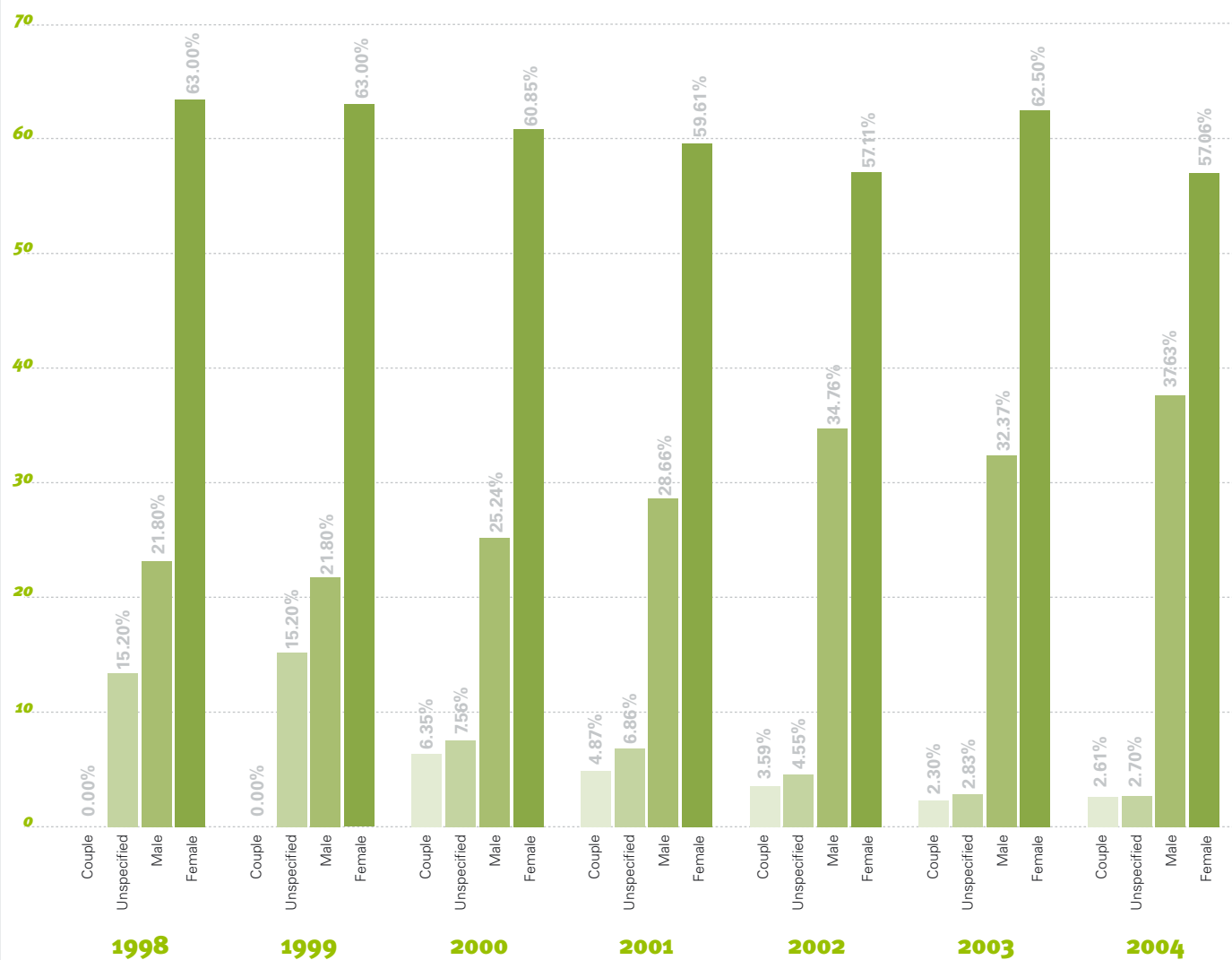
Product CATEGORY ATTRACTING COMPLAINT (%)	1998	1999	2000	2001	2002	2003	2004
Alcohol	2.80%	10.00%	4.83%	2.42%	6.00%	11.62%	21.38%
Food	16.70%	11.40%	13.83%	22.32%	25.39%	13.45%	15.41%
Vehicles	6.90%	9.60%	9.99%	11.68%	10.27%	15.80%	14.29%
Clothing	3.80%	10.10%	16.13%	7.27%	27.94%	14.08%	8.02%
Toiletries	6.00%	2.00%	9.99%	4.15%	4.03%	15.70%	7.46%
House goods/services	6.00%	6.40%	5.30%	8.30%	3.12%	4.71%	4.85%
Office goods/services	0.00%	3.90%	0.05%	0.26%	0.49%	0.10%	4.72%
Community Awareness	6.00%	5.50%	4.97%	3.03%	2.63%	0.94%	3.85%
Media	3.50%	1.90%	5.49%	3.03%	0.74%	4.03%	2.49%
Health Products	1.60%	3.50%	2.67%	5.54%	2.38%	3.14%	2.42%
Finance/Investment	2.20%	1.10%	1.17%	3.20%	0.74%	0.99%	2.42%
Telecommunications	3.50%	2.60%	2.72%	6.66%	1.40%	4.81%	2.05%
Other	5.70%	0.40%	1.22%	1.10%	1.40%	2.56%	1.74%
Restaurants	4.40%	0.70%	7.88%	1.04%	0.33%	0.26%	1.74%
Leisure & Sport	3.50%	1.60%	0.42%	1.56%	1.15%	1.67%	1.31%
Insurance	1.30%	1.40%	0.84%	2.25%	0.58%	0.73%	1.24%
Entertainment	5.40%	4.00%	2.86%	3.72%	1.48%	1.20%	1.12%
Retail	11.00%	9.30%	3.84%	5.97%	6.41%	0.73%	1.06%
Travel	2.50%	8.70%	0.89%	1.99%	1.56%	0.78%	0.68%
Toys & Games	1.60%	1.30%	0.23%	0.69%	0.25%	1.15%	0.62%
Gaming	0.30%	0.20%	0.05%	0.35%	0.33%	0.05%	0.37%
Hardware/Machinery	0.60%	0.30%	0.75%	0.35%	0.08%	0.68%	0.31%
Professional services	1.90%	1.90%	0.80%	1.47%	0.66%	0.26%	0.25%
Real Estate	1.30%	0.40%	0.33%	0.69%	0.25%	0.26%	0.12%
Information Technology	0.60%	0.90%	0.42%	0.61%	0.33%	0.26%	0.06%
Slimming	0.60%	0.20%	0.00%	0.00%	0.00%	0.00%	0.00%
Education	0.00%	0.60%	0.14%	0.35%	0.08%	0.00%	0.00%
Employment	0.30%	0.10%	2.19%	0.00%	0.00%	0.00%	0.00%
	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Category ATTRACTING COMPLAINT



<b>Gender OF COMPLAINANTS (%)</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>
Couple	0.00%	0.00%	6.35%	4.87%	3.59%	2.30%	2.61%
Unspecified	13.40%	15.20%	7.56%	6.86%	4.55%	2.83%	2.70%
Male	23.20%	21.80%	25.24%	28.66%	34.76%	32.37%	37.63%
Female	63.40%	63.00%	60.85%	59.61%	57.11%	62.50%	57.06%
	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>	<b>100.00%</b>

#### Gender COMPARISON OF COMPLAINTS 1998 – 2004



# AANA Advertiser Code of ETHICS

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

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

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

## SECTION 1

1.1 Advertisements shall comply with Commonwealth law and the law of the relevant State or Territory.

1.2 Advertisements shall not be misleading or deceptive or be likely to mislead or deceive.

1.3 Advertisements shall not contain a misrepresentation, which is likely to cause damage to the business or goodwill of a competitor.

1.4 Advertisements shall not exploit community concerns in relation to protecting the environment by presenting or portraying distinctions in products or services advertised in a misleading way or in a way which implies a benefit to the environment which the product or services do not have.

1.5 Advertisements shall not make claims about the Australian origin or content of products advertised in a manner which is misleading.

## SECTION 2

2.1 Advertisements shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

2.2 Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

2.3 Advertisements shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.

2.4 Advertisements which, having regard to the theme, visuals and language used, are directed primarily to children aged 14 years or younger and are for goods, services and facilities which are targeted toward and have principal appeal to children, shall comply with the AANA’s Code of Advertising to Children and section 2.6 of this Code shall not apply to advertisements to which AANA’s Code of Advertising to Children applies.

2.5 Advertisements shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.

2.6 Advertisements shall not depict material contrary to prevailing community standards on health and safety.

2.7 Advertisements for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles and section 2.6 of this Code shall not apply to advertisements to which the Federal Chamber of Automotive Industries Code of Practice applies.

# AANA Code for ADVERTISING TO CHILDREN

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

## DEFINITIONS

In this Code, the following definitions apply:

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

## CODE OF PRACTICE

### 2.1 Factual Presentation

#### 2.1.1 Advertisements to Children:

- (a) must not mislead or deceive Children;
- (b) must not be ambiguous; and
- (c) must fairly represent, in a manner that is clearly understood by Children:
  - (i) the advertised Product;
  - (ii) any features which are described or depicted in the Advertisement; and
  - (iii) the need for any accessory parts.

## 2.2 Safety

### 2.2.1 Advertisements to Children:

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

## 2.3 Social Values

### 2.3.1 Advertisements to Children:

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

## 2.4 Parental Authority

### 2.4.1 Advertisements to Children:

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

## 2.5 Price

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

## 2.6 Qualifying Statements

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

## 2.7 Competitions

### 2.7.1 Competitions which appear in Advertisements to Children must:

- (a) contain a summary of the basic rules for the competition;

- (b) clearly include the closing date for entries; and

- (c) make any statements about the chance of winning clear, fair and accurate.

## 2.8 Premiums

### 2.8.1 Advertisements to Children which include or refer to a Premium:

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

## 2.9 Alcohol

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

## 2.10 Food and Beverages

### 2.10.1 Advertisements to Children for food and/or beverages:

- (a) should not encourage or promote an inactive lifestyle combined with unhealthy eating or drinking habits; and
- (b) must not contain any misleading or incorrect information about the nutritional value of that Product.

## 2.11 AANA Advertiser Code of Ethics

2.11.1 Advertisements to Children must comply with the AANA Advertiser Code of Ethics.

# ***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.

### **Review of the Code**

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

## **CODE OF PRACTICE FOR MOTOR VEHICLE ADVERTISING**

### **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.

## **FCAI Voluntary Code of Practice for MOTOR VEHICLE ADVERTISING**

### **2. General Provisions**

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

- (a) Unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement.

[Examples: Vehicles travelling at excessive speed; sudden, extreme and unnecessary changes in direction and speed of a motor vehicle; deliberately and unnecessarily setting motor vehicles on a collision course; or the apparent and deliberate loss of control of a moving motor vehicle.]

- (b) People driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast.
- (c) Driving practices or other actions which would, if they were to take place on a road or road-related area, breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast directly dealing with road safety or traffic regulation.  
[Examples: Illegal use of hand-held mobile phones or not wearing seatbelts in a moving motor vehicle. Motorcyclists or their passengers not wearing an approved safety helmet, while the motorcycle is in motion.]
- (d) People driving while being apparently fatigued, or under the influence of drugs or alcohol to the extent that such driving practices breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing directly with road safety or traffic regulation.
- (e) Deliberate and significant environmental damage, particularly in advertising for off-road vehicles.

### **3. Use of Motor Sport in Advertising**

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

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

### **4. Depiction of Off-Road Vehicles**

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





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BUREAU**

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