



**Review of
Operations
2018**

Ad Standards is Australia's independent advertising complaints adjudicator committed to working with the community and the advertising industry to uphold community standards in advertising.

Ad Standards functions as secretariat to the [Ad Standards Community Panel](#) and the [Ad Standards Industry Jury](#) which independently determine consumer and competitive complaints against the advertising self-regulatory Codes.

The advertising self-regulation system in Australia relies on consumers having a voice to express their concerns about advertising content, and the provision of independent arms-length administration and adjudication of complaints by Ad Standards.

The Ad Standards Copy Advice Service reviews creative providing advertisers, agencies and businesses with expert advice to help ensure advertising complies with the Codes regulating advertising content in advance of broadcast or publication.

In 2018 Ad Standards rebranded with the following changes effective from 1 March 2018:

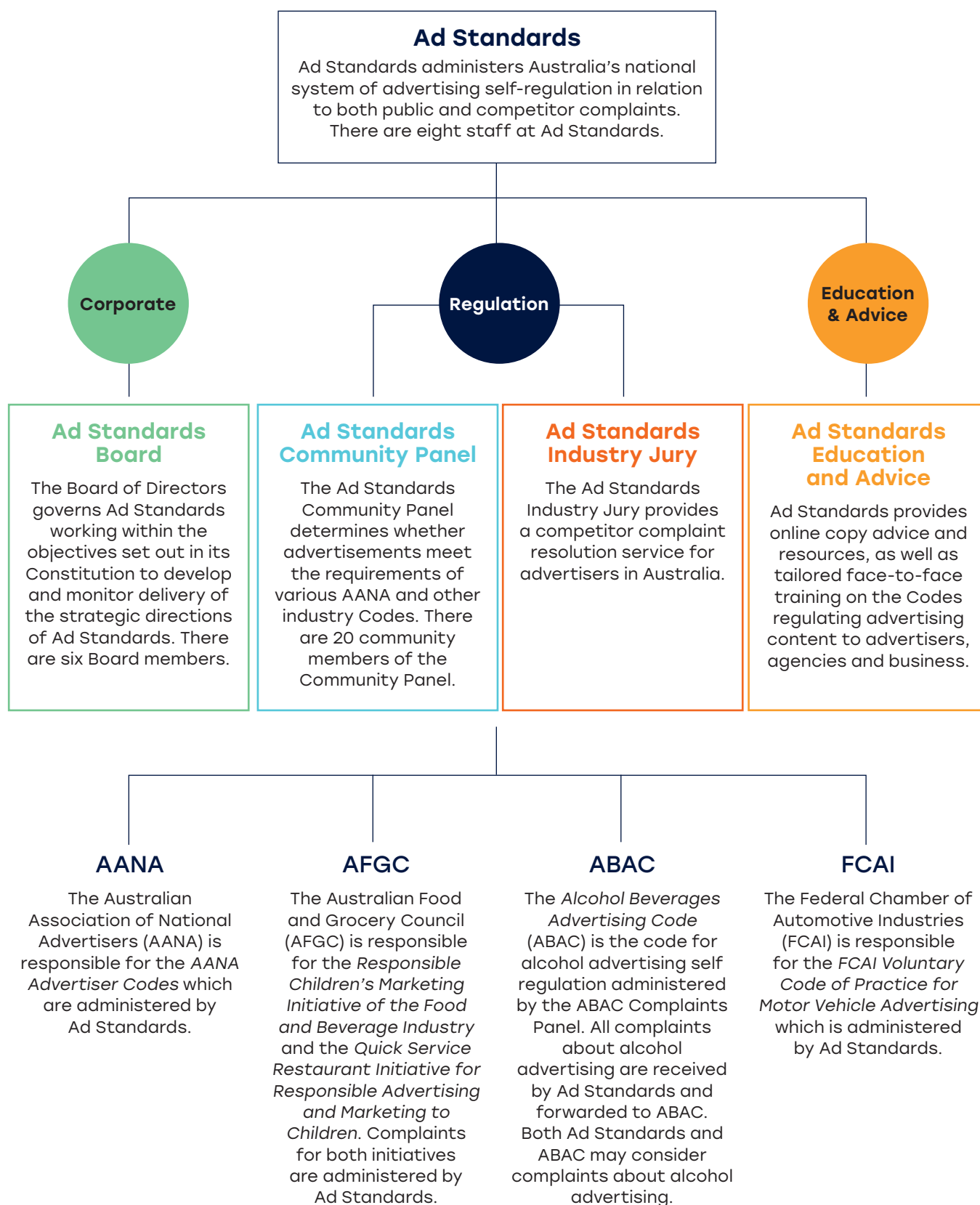
- the Advertising Standards Bureau rebranded to 'Ad Standards'
- the Advertising Standards Board rebranded to the 'Ad Standards Community Panel', and
- the Advertising Claims Board rebranded to the 'Ad Standards Industry Jury'.

You can read more about Ad Standards at [AdStandards.com.au](https://adstandards.com.au)

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Who we are



From the Chair

This year saw further changes to the governance of Ad Standards. Working jointly with the Board of the Australian Association of National Advertisers (AANA) there was significant examination and reflection on the structure of the three organisations comprising the advertising self-regulation system in Australia and sound outcomes achieved.

Ad Standards will continue to be a separate company, operating at arms-length of the advertising industry, so that it is well-placed to continue its important work with both advertisers and consumers to ensure appropriate advertising content.

Of relevance to Ad Standards is the composition of the Ad Standards Board of Directors. A change agreed at the end of 2018 required that three directors be advertiser Board members of the AANA, and three directors be independent. Importantly the Ad Standards Board is confident that this change will enable both the AANA and Ad Standards to build on each other's strengths while enhancing the strategic outcomes of the self-regulation system. Additional benefits will be the reduction in back-room and compliance costs, and improving communication and collaboration.

At the end of 2018 we welcomed new directors Wayne Gabriel from Toyota and Lisa Ronson, from Tourism Australia.

With governance reform now settled in, our focus for 2019 is to work with the AANA to ensure the ongoing financial sustainability of both organisations by ensuring that all parts of the advertising industry are fairly contributing to the self-regulation Codes and complaints adjudication mechanism.

The Ad Standards Community Panel (the Community Panel) continued its task of robustly adjudicating on complaints under the various industry Codes administered by Ad Standards and were ably assisted in this role by the staff at Ad Standards.

I thank all staff and Community Panel members for their input into the content and application of the structural reforms undertaken this year. I also note more than the usual number of changes to the AANA Code of Ethics during 2018 have placed a significant task on the Community Panel and secretariat to ensure community standards continue to be applied to the changing provisions of the Code of Ethics.



David Scribner
Chairman

From the CEO

A considerable amount of work occurred internally during 2018 working in collaboration with our peers at the Australian Association of National Advertisers (AANA) to consider the governance arrangements for Ad Standards, the AANA, and the funding body, the Australian Advertising Standards Council (AASC).

It is important that Ad Standards continues to be operationally and legally an arm's length body able to manage consumer and industry complaints according to best Australian and international practice. This independence has been maintained following this process which is vital to Ad Standards' role as Australia's independent advertising complaints adjudicator.

The year began with a significant body of work around the rebrand and rollout of the new Ad Standards name and graphic identity. Not just a makeup change, the change to the names of our various operational bodies – the Ad Standards Community Panel (the Community Panel) and Industry Jury – was informed by research and developed to make it clearer to the community exactly what we do as an organisation. The full story is on page 10 of this annual report.

In April Ad Standards launched the new [Copy Advice Service](#) to provide early advice to advertisers to reduce breaches of the Code and thereby improve the content of advertising to consumers. The 'soft launch' has enabled Ad Standards to bed down the process, properly understand the resources required, and ensure the advice we provide is the most suitable for the companies which pay for that advice.

The system is now established and there is increasing demand from advertisers so we will work hard to further promote the benefits to business in 2019. The goal is to especially reach smaller advertisers who don't have the resources of an industry association to assist with ensuring their advertising dollars are properly spent.

In 2018 the AANA made five lots of amendments to the various Codes administered by Ad Standards and applied by the Community Panel. The change to Section 2.2 of the [AANA Code of Ethics](#) expanding the reach of this section means that the Community Panel can now uphold complaints on the basis that they use sexual appeal in a manner which is exploitative OR degrading, whereas previously it had been required to find an advertisement both exploitative *and* degrading in order to find a breach of the Section. Ad Standards provided significant input into the policy work which resulted in this change and considers that it goes further to meet community standards and expectations. A side effect, at least in the short term, has been an increase in the number of advertisements determined to breach the Code. More information on the various Code changes in 2018 is on page 15.

Self-regulation is only as good as the outcomes it can demonstrate through achieving the cooperation and support of advertisers. In 2018 our compliance rate dropped – primarily due to the actions of two businesses which have been the subject of a number of consumer complaints. Both businesses have decided that their best business model is to fail to work with Ad Standards to ensure their advertising content meets the standards set out in the AANA Code of Ethics. Our policy in these circumstances is to try to achieve voluntary cooperation, and if that is unsuccessful to work with other industry organisations to assist with compliance. Failing effective industry pressure, we will then look to governments in Australia for an appropriate way in which to bring such 'rogue advertisers' into line with the decisions of the Community Panel.

During 2018 we have continued to bring to the attention of the Australian Government the need for their support for the self-regulation system in relation to these two businesses. Unfortunately, governments have not acted with the speed we believe is appropriate, but as we enter into the new year there are some promising indications that there will be government support to ensure compliance by these companies.

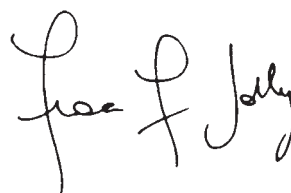
As the [research by Deloitte Access Economics](#) in 2017 demonstrated, self-regulation achieves as good compliance as a government system, and does so at less cost. The need for government assistance in these two cases does not mean that self-regulation has failed – the advertising self-regulation system is highly effective with 92% compliance by advertisers with the decisions of the Community Panel over the last decade. By only involving government in these rogue advertiser cases, we ensure government resources are not wasted.

In 2019 we look forward to a comprehensive awareness-raising campaign for the Codes and the role of the advertising complaints adjudication system. This will be the first campaign we have developed and sent out since 2012. While a campaign of this size is resource intensive in staff time and budget, as well as vital industry collaboration, we look forward to raising consumer awareness and understanding of the range of Codes and Ad Standards' role.

We also look forward to a consequential increase in awareness of the service we can provide advertisers as they develop campaigns, to ensure the content of advertisements consumers see and hear meets community standards.

Sincere thanks to our industry colleagues who support Ad Standards in many ways – including by advocating our value to their members and assisting with compliance with Community Panel decisions.

Thank you also to the Community Panel members who bring a genuine commitment to understanding community views and applying them to considerations of the Panel. Thank you also to our team at Ad Standards who, after significant changes in 2017, all bring fresh eyes, passion and great teamwork every day.



Fiona Jolly

Chief Executive Officer



New advisory service for advertisers

Launched in early 2018, the Ad Standards Copy Advice Service provides expert advice to advertisers to better understand and work with the Australian advertising Codes.

The service provides all businesses and creative agencies with an online portal to submit requests for copy advice on proposed advertising material from the early stages of campaign development and before broadcast or publication.

Copy advice feedback helps advertisers better understand the AANA Code of Ethics and other Codes and Initiatives administered by Ad Standards. This will assist in increasing compliance with the advertising codes which apply to all advertising across all media in Australia.

Since the launch, advertisers have submitted content through the Ad Standards website - from creative concepts to full campaigns developed for outdoor, television and social - for confidential fee-for-service advice. Potential issues have been identified and guidance provided by Ad Standards on ways to bring material that may not comply in line with the Codes.

The advice advertisers receive does not impact upon decisions of the Ad Standards Community Panel (the Community Panel), which will still make decisions regarding advertisements which have been the subject of complaints. To date, the copy advice provided by Ad Standards has aligned with determinations of the Community Panel.

The value to advertisers is significant, saving time and money, and assisting advertising material to meet community standards set by the advertising Codes while increasing future awareness and understanding.

The new service is in line with international best practice, with other self-regulatory organisations world-wide providing similar service to advertisers. Several Australian industry bodies also provide a copy advice service to their members. The new service from Ad Standards will complement these while providing advice to businesses which are not already connected with industry associations.

Research reveals community thinking

The rise of the internet and social media have changed the way we communicate and the line between what is content and what is advertising can be blurred. The profile of social media influencers continues to grow and the demand from advertisers for innovative marketing is increasing.

So in this fast and changing space what makes social media and online content clearly distinguishable as advertising to various audiences, and what's the level of community concern about this?

New research from Ad Standards in 2018 provides vital insight into community thinking and awareness of this. A key finding from the research was a low level of general community concern about advertising being 'clearly distinguishable' as advertising.

Participants, all active social media users, had a heightened awareness or scepticism regarding online content, and a general awareness that content that appears genuine might actually be advertising.

It's more annoying than a concern. Sometimes you think you are getting information but it's actually marketing.

(35-55, FEMALE, NSW, REGIONAL)

The results also show that while research participants were sceptical of online content, they also strongly agreed that it was important that advertisers clearly identify online advertising as advertising.

A key finding from the research was a low level of general community concern about advertising being 'clearly distinguishable' as advertising.

Conducted by Colmar Brunton, the 2018 research looked at five advertisements which had been considered by the Ad Standards Community Panel (the Community Panel) under Section 2.7 of the AANA Code of Ethics introduced in March 2017: *Advertising or Marketing Communication shall be clearly distinguishable as such to the relevant audience.*

Three of these advertisements were social media 'influencer' posts on Instagram, plus an online and a television advertisement.

Overall the findings showed that the Community Panel's determinations about whether an advertising or marketing communication was distinguishable as such to the relevant audience were generally in line with community perceptions.

Information gathered from the participants has been used to create a checklist of the different methods used in identifying clearly distinguishable advertising to assist in future Community Panel determinations.

- If an advertisement meets all four of the first-tier criteria, then the Community Panel can be confident that it is clearly distinguishable as advertising.
- If one or more of the first-tier criteria are missing or lacking, there will likely be greater confusion or uncertainty amongst the target audience and the potential advertisement will need greater scrutiny.

The findings also show a high level of daily online and social media usage across all ages with people spending on average 3.2 hours daily online, with 1.8 hours of that on social media.

Although unprompted awareness of Ad Standards was lower than hoped, 73% of respondents believed the role of Ad Standards was important. In 2019 Ad Standards will launch a new education campaign targeted to the community and business sectors to raise ongoing awareness and understanding. This will be tested in the next community perceptions research over 2019-20.

Ad Standards has commissioned regular research to assess community perceptions since 2006. Previous research has looked at other specific areas such as advertising directed primarily at children, exploitative and degrading advertising, sex, sexuality and nudity, violence and discrimination in advertising.

Is it Advertising?

First Tier (highest importance)	The person/people in the post/image look like they are modelling
	The imagery/photography/videography looks staged
	The post contains tags and/or hastags of the brand or product
	The brand/product/service is central to the post/layout/article/video
Second Tier (middle importance)	The label on the product is visible
	The language used sounds like advertising
	The imagery/photography/videography looks professional
	The post/layout/article/video makes the product appear desirable
Third Tier (least importance)	It was posted/written by a prominent person or celebrity that would post advertising
	Advertising is to be expected in the format on this channel
	The logo of the brand/product/service is visible

Checklist to help determine what is clearly distinguishable advertising

Ad Standards rebrand 2018

When Ad Standards announced its rebrand in March 2018 acronyms were banished and the focus was on using clear language to build better understanding of how Ad Standards and the complaints handling bodies it manages work.

More than just a shiny new logo, the rebrand involved a strategic overhaul of internal naming conventions and the clear repositioning of Ad Standards as Australia's independent advertising complaints adjudicator working with the ad industry and the community.

Gone was the Advertising Standards Bureau – simplified to Ad Standards – no acronym required. The new logo, a simple visual of a speech/quote mark, reinforces Ad Standards' role of being a forum for discussion about community standards, of giving all stakeholders a voice and a place where their voices are heard on the subject of advertising content.

While the titles of some business areas changed, Ad Standards' work delivering Australia's world-class system of self-regulation remains strongly the same:

- Ad Standards continues to administer and operate a highly effective advertising complaint management system.
- The Ad Standards Community Panel continues to make determinations about ad complaints from the community it represents
- The Ad Standards Industry Jury continues to make adjudications about competitor complaints.
- The Ad Standards Board of Directors continues to make decisions about strategy and governance issues.

The rebrand was informed by rigorous stakeholder consultation which showed the need to increase understanding of advertising self-regulation and in particular of the various roles of the complaints handling bodies within Ad Standards.

The rebrand provides the foundation for future public awareness-raising with campaigning targeted to the community and industry, especially small-to-medium business, planned to launch in 2019.

Ad Standards [website](#), email, [Twitter](#) and [LinkedIn](#) addresses also remain the same.



Most complained about ads of 2018

1

Manscaping?

Sportsbet – TV – Free-to-air

Complaints: 793

Upheld

The television advertisement featured a man naked from the waist up who appeared to be 'manscaping'. Complainants expressed concern over the suggestive content and the Ad Standards Community Panel (the Community Panel) upheld the complaints agreeing that the sexuality and nudity was inappropriate for a broad audience.

2

Birthday pinata

iSelect – TV – Free-to-air

Complaints: 716

Upheld

The advertisement for insurance featured a woman aggressively hitting a pinata at a child's birthday party after being upset by a health insurance rate rise. Complainants were concerned about the level of violence shown in front of children. The Community Panel agreed, upholding the complaints as the level of violence was not justifiable in the context of the service being advertised.

3

Bouncing balls

Hanes Brands – TV – Free-to-air

Complaints: 135

Dismissed

The advertisement for sports bras featured balls that looked similar to breasts being used in various sports. Complainants said that showing balls similar to breasts was an inappropriate level of nudity and that the ad was offensive to women. However, the Community Panel found the depiction of breasts as sports balls was a representation of what happens to breasts during sport and was appropriate in the context.

4

Tiger on the road

Ultra Tune – TV – Free-to-air

Complaints: 134

Dismissed

The television advertisement featured Mike Tyson helping three women who crashed their car after swerving to avoid a tiger on the road. Complainants expressed concern that the women were being objectified and portrayed as helpless. However, the Community Panel dismissed the complaints as the women are shown to be confident and the crash was from a situation outside their control not due to their driving ability.

5

This is Halloween

Universal Pictures – TV – Free-to-air

Complaints: 97

Upheld

The advertisement for the horror film Halloween featured scenes from the film. Complainants were concerned that the content was too alarming for children to see. The Community Panel upheld the complaints on the basis that the level of menace in the ad was unjustifiable.

6

BCF-ing**BCF – TV – Free-to-air****Complaints: 93****Dismissed**

The television advertisement for BCF featured people boating, camping and fishing while singing a jingle about being a “BCF-ing gun”. Complainants were offended at the implication of gun use, however the Community Panel dismissed the complaints as “BCF-ing gun” was referring to high-achievers.

7

Would you sell your eyes?**Specsavers – TV – Free-to-air****Complaints: 73****Dismissed**

The advertisement was set in a fictitious medical research company and asked people how much they would sell their eyes for. Complainants were concerned that the ad was offensive to people without sight. The Community Panel dismissed the complaints noting that the aim of the ad was to raise awareness about regular eye checks and it did not discriminate against people with vision impairment.

8

Where do you do it?**Youfoodz – TV – Free-to-air****Complaints: 49****Dismissed**

The television advertisement featured a couple talking about the times and places they “do it”, before it is revealed that they are talking about eating a Youfoodz meal. Complainants believed that the ad was too sexually suggestive. However, the Community Panel determined that despite the innuendo, there were no sexual portrayals or mentions and therefore the ad did not breach the AANA Code of Ethics.

9

Naked wrestling**Yum Restaurants International – TV – Free-to-air****Complaints: 46****Dismissed**

The advertisement featured parents being shown a picture their child drew of “Mum and Dad naked wrestling”. Complainants were concerned about the inappropriate sexual content. The Community Panel dismissed the complaints noting it was a humorous reference and the drawing was of stick figures with no genitalia or sexual content.

10

Monster movie**Sony Pictures Releasing – TV – Free-to-air****Complaints: 43****Upheld**

The advertisement for the film Venom featured scenes from the film. Complainants were concerned at the menacing nature of the main character. The Community Panel noted that while some level of violence is acceptable for a superhero movie, the menace portrayed in the ad was not justifiable and upheld the complaints.

Applying the Codes and Initiatives

In 2018 Ad Standards administered the following Codes and Initiatives. The Ad Standards Community Panel (the Community Panel) is bound by these when considering complaints about advertising:

- [Australian Association of National Advertisers \(AANA\) Code of Ethics](#)
- [AANA Code for Advertising and Marketing Communications to Children](#)
- [AANA Food and Beverages Advertising and Marketing Communication Code](#)
- [AANA Wagering Advertising & Marketing Communication Code](#)
- [AANA Environmental Claims Code](#)
- [Australian Food and Grocery Council \(AFGC\) Responsible Children's Marketing Initiative \(RCMI\) of the Australian Food and Beverage Industry](#)
- [AFGC Quick Service Restaurant Initiative \(QSRI\) for Responsible Advertising and Marketing to Children](#)
- [Federal Chamber of Automotive Industries \(FCAI\) Voluntary Code of Practice for Motor Vehicle Advertising](#)

Determination summaries

The Determination summaries published to the Ad Standards website (see hyperlinks below and the actual web page address over page) provide information about previous Community Panel determinations on particular issues, providing precedent information to help advertisers. This is provided as a guide only, however, and cannot be relied upon as the determination which may be reached by the Community Panel in future cases.

The majority of cases considered by the Community Panel fall under the AANA Code of Ethics. The Panel considers cases under Section 2 of the Code of Ethics, which has seven sections:

- [2.1 Discrimination and vilification](#)
- [2.2 Exploitative or degrading¹](#)
- [2.3 Violence](#)
- [2.4 Sex, sexuality and nudity](#)
- [2.5 Language](#)
- [2.6 Health and safety](#)
- [2.7 Distinguishable advertising](#)

1. In March 2018 the AANA amended Section 2.2 of the Code of Ethics with stricter provisions regarding the use of sexual appeal in advertising which cannot be exploitative OR degrading.

Determination summaries for the other Codes and Initiatives administered by Ad Standards are also published online:

- [Advertising to Children](#) - AANA Code for Advertising and Marketing Communications to Children (the Children's Code).
- [Food and beverage advertising](#) - AANA Food and Beverages Advertising and Marketing Communication Code (the Food Code), [The AFGC Responsible Children's Marketing Initiative \(RMI\)](#), and [Quick Service Restaurant Initiative \(QSRI\)](#).
- [Wagering advertising](#) - AANA Wagering Advertising & Marketing Communication Code (the Wagering Code).
- [Environmental advertising](#) - AANA Environmental Claims Code (the Green Code).
- [Motor vehicle advertising](#) - Federal Chamber of Automotive Industries (FCAI) Voluntary Code of Practice for Motor Vehicle Advertising (the Car Code).

See below for the web page address for Determination summaries published on the Ad Standards website:

AANA Code of Ethics

- 2.1 <https://adstandards.com.au/products-and-issues/discrimination-and-vilification/determination-summary>
- 2.2 <https://adstandards.com.au/products-and-issues/exploitative-or-degrading/determination-summary>
- 2.3 <https://adstandards.com.au/products-and-issues/violence/determination-summary>
- 2.4 <https://adstandards.com.au/products-issues/sex-sexuality-and-nudity-determination-summary>
- 2.5 <https://adstandards.com.au/products-issues/language-determination-summary>
- 2.6 <https://adstandards.com.au/products-and-issues/health-and-safety-determination-summary>
- 2.7 <https://adstandards.com.au/products-issues/distinguishable-advertising-determination-summary>

Other Codes and Initiatives administered by Ad Standards:

- <https://adstandards.com.au/products-issues/childrens-code-determination-summary>
- <https://adstandards.com.au/products-issues/food-code-determination-summary>
- <https://adstandards.com.au/products-issues/food-initiatives-determination-summary>
- <https://adstandards.com.au/products-issues/wagering-advertising-determination-summary>
- <https://adstandards.com.au/products-issues/environmental-claims-determination-summary>
- <https://adstandards.com.au/products-issues/motor-vehicle-advertising-determination-summary>

Updates to the advertising Codes

Several of the advertising Codes were updated in 2018 by the Australian Association of National Advertisers (AANA). Ad Standards welcomed these changes as they are an important part of ensuring that the advertising self-regulation system is adequately reflecting community standards.

Exploitative or degrading



Section 2.2 of the [AANA Code of Ethics](#) was changed in 2018 to state that advertisers must ensure their advertising does not use sexual appeal in a manner which is exploitative OR degrading.

- The definition of exploitative was also changed and now also prohibits the use of sexual appeal in a manner which takes advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities or which focusses on their body parts where this bears no direct relevance to the product or service being advertised.

Health and safety



Discrimination and vilification



Changes were made to the [AANA Code of Ethics Practice Note](#) to include further guidance on how portrayals of unrealistic ideal body images (under Section 2.6 – Health and Safety) and the use of gender stereotypes (under Section 2.1 – Discrimination and Vilification) are covered by the Code.

Wagering advertising



The [AANA Wagering Advertising Code Practice Note](#) was updated to include a clearer definition of ‘wagering activities’ and guidance on what is considered to be excessive participation.

Food and beverage advertising



RCMI & QSRI food initiatives



A new amendment was announced in 2018 to the [AANA Food and Beverages Advertising Code](#) which will commence from 1 June 2019. The new provision will require all food and beverages advertising to comply with the relevant Australian Food and Grocery Council (AFGC) marketing to children initiatives – the [Responsible Children's Marketing Initiative \(RCMI\)](#) for the Australian Food and Beverage Industry and the [Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children \(QSRI\)](#).

Environmental advertising



The [AANA Environmental Claims Code](#) was substantially re-written in 2018 to simplify the three provisions – truthful and factual representation, a genuine benefit to the environment, and substantiation.



Snapshot statistics

COMPLAINT SNAPSHOT 2018

Number of complaints received	6,696
Number of complaints made about matters within Ad Standards jurisdiction	2,708
Number of complaints about ads within Ad Standards jurisdiction but previously considered by the Ad Standards Community Panel (the Community Panel)	1,328
Number of complaints made about matters outside Ad Standards jurisdiction	2,121
Number of complaints about ads already withdrawn	87
Number of complaints assessed as consistently dismissed issues	502
Number of complaints unassessed at year end	37

BREACH OR NOT SNAPSHOT

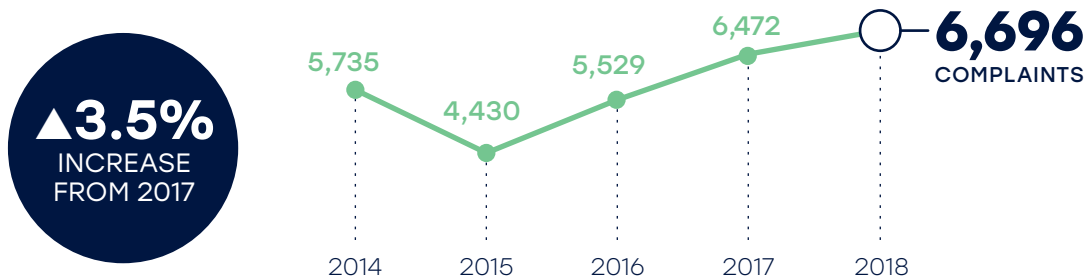
Number of ads the Community Panel found consistent with Codes and Initiatives	403
Number of complaints about ads found consistent with Code and Initiatives	1,675
Number of ads the Community Panel found breached a Code or Initiative	85
Number of complaints about ads that were found to breach a Code or Initiative	2,047

AD SNAPSHOT

Number of ads complained about	554
Number of cases created but not put forward for consideration by the Community Panel for various reasons	23
Number of ads withdrawn by advertiser before consideration by the Community Panel	43
Number of ads which were not modified or discontinued after a complaint was upheld	38

Total complaints received

In 2018, consumers submitted 6,696 complaints which is the highest number in Ad Standards' 20-year history and a 3.5 per cent increase in complaints from 2017.



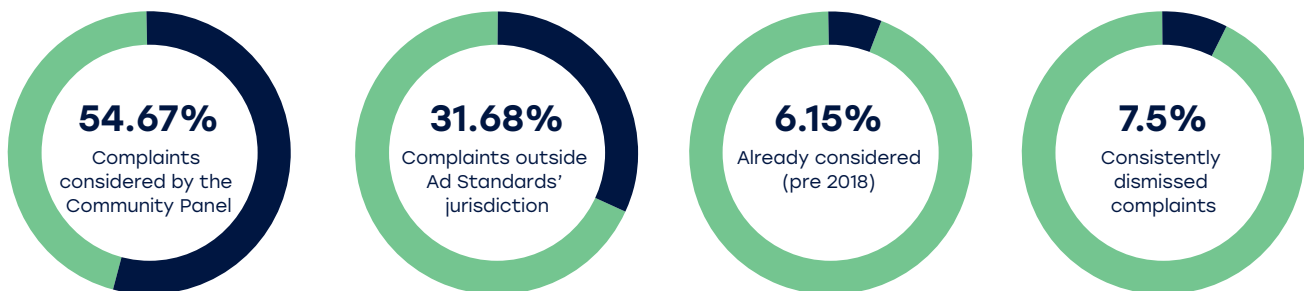
The 2018 record also includes two of the most complained about advertisements in Ad Standards' history which drew over 1,500 complaints between them.

A gambling advertisement showing a man naked from the waist up presumably 'manscaping' is now the most complained about ad in Ad Standards' history. It attracted nearly 800 complaints reflecting ongoing community concern about sexual references in advertising where children can view them.

The new record second place is a TV ad showing a woman aggressively hitting a piñata in front of a group of children. The 715 community complaints received raised concerns about the depiction of anger and violence especially in front of children.

The statistics show that the community understands the advertising Codes protect community standards and that Ad Standards acts on their concerns.

Of the 6,696 complaints received in 2018, more than half (54.67 per cent) were allocated within the scope of the advertiser Codes and were about advertisements which were then considered by the Ad Standards Community Panel (the Community Panel).



Just over six per cent of complaints received were about advertisements that had already been considered by the Community Panel.

A further 7.5 per cent of complaints were processed as 'consistently dismissed complaints' where the complaint technically raises an issue under the advertiser Codes, however the Community Panel has consistently found that the identified concern does not breach the advertiser Codes.

This includes complaints about the use of language and complaints where the complainant has drawn an interpretation from an advertisement that is not likely to be shared by the broader community.

Finally, nearly 32 per cent of complaints (2,121) received were about matters not within Ad Standards' jurisdiction. In these cases, the complainant is advised why the matter is outside the charter of Ad Standards and is referred to the appropriate regulatory body.

In 2018 the key issues outside Ad Standards' jurisdiction attracting community concern related to the content of television shows (including programming which included discussion of controversial advertising by the talk show hosts), the frequency and timing of gambling advertisements, and political advertising.

Community Panel determinations

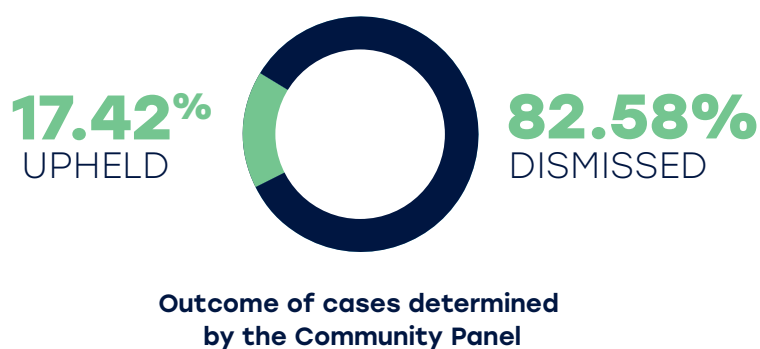
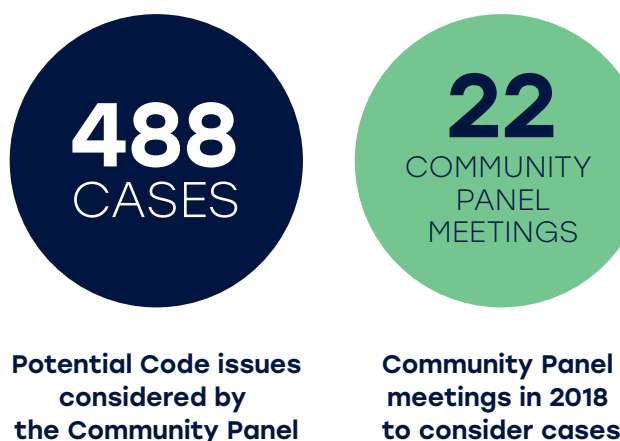
Of the 6,696 complaints received in 2018, over 4,500 of these (68 per cent) were about matters that were within Ad Standards' charter.

These complaints related to a total of 488 advertisements which raised potential Code issues in 2018. These cases were then considered by the Community Panel to determine whether the material met the requirements of the advertising Codes.

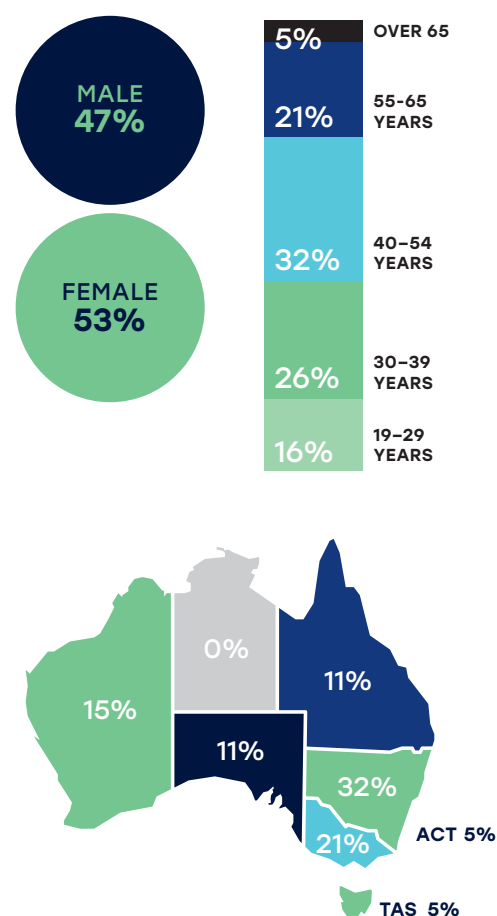
Of the total number of advertisements that were considered by the Community Panel, 85 of these (17.42 per cent) were found to be in breach of one or more advertising Codes. This is the highest upheld rate in Ad Standards' history and an increase of 1.44 per cent from 2017 (15.98 per cent).

The Community Panel met 22 times throughout the year to consider the 488 advertisements complained about in 2018. A further 43 advertisements were voluntarily withdrawn from broadcast/publication before the cases were considered by the Community Panel.

Community Panel determinations



Community Panel profile



What do people complain about?

In 2018 almost 90 per cent of all complaints considered by the Community Panel related to issues of community concern covered by the AANA Code of Ethics.

Concerns about sex, sexuality and nudity in advertising more than doubled to 36.39 per cent of total complaints (up from 14.59 per cent in 2017) in 2018. This was also the main issue of community concern in four out of 10 advertisements in the 'top 10 list of most complained ads in 2018' including the most complained about 'manscaping' ad with complaints upheld by the Community Panel for an inappropriate level of sexual content and in breach of Section 2.4 of the AANA Code of Ethics.

Violence was the second highest issue of community concern overall in 2018, at 26.58 per cent (up from 14.59 per cent in 2017) and a key issue of community concern in the 2018 second most complained about 'piñata' ad. Concerns about violence are further reflected in the overall 'top 10 list' with three of these 10 found in breach of the Code for using unjustified violence (see page 11).

Community concern about discrimination and vilification was the third most complained about issue at 8.66 per cent (down from 18.34 per cent in 2017).

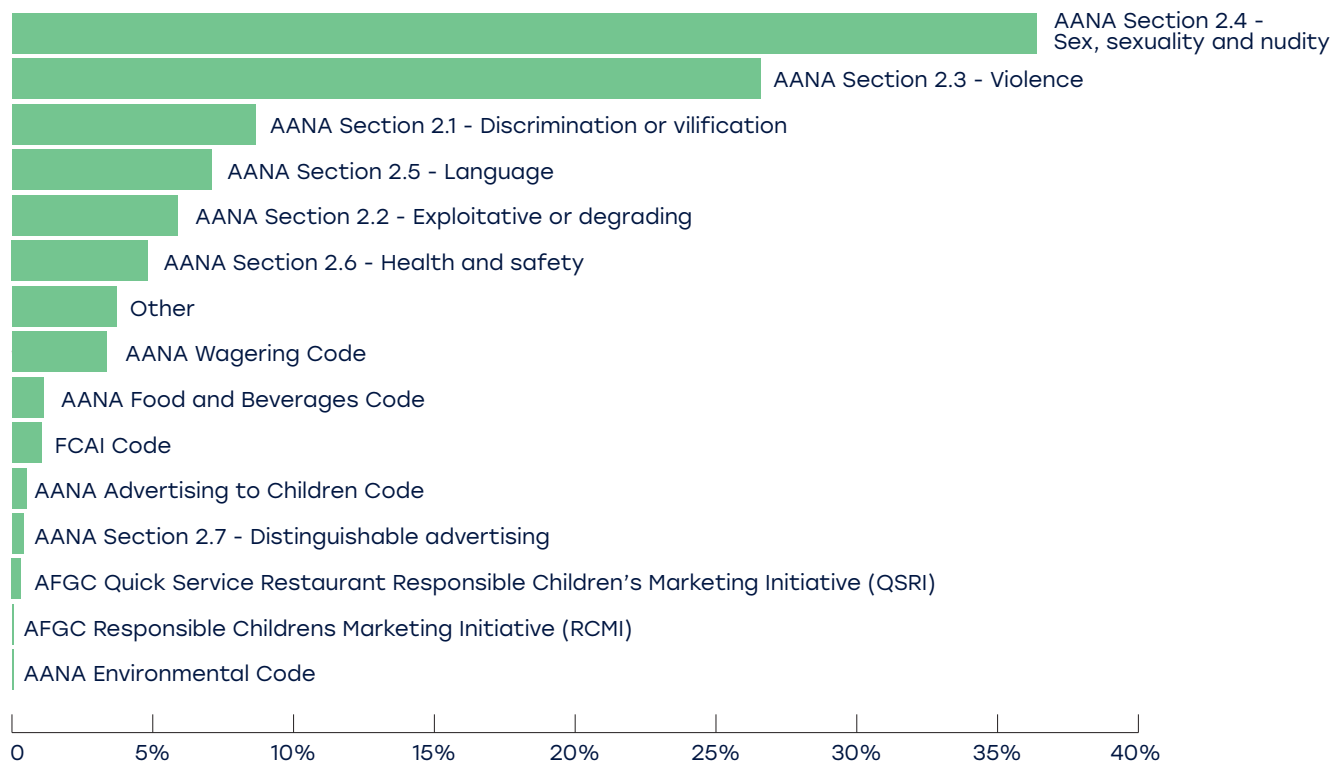
Section 2.2 of the Code was amended in 2018 to ensure advertisers do not use sexual appeal in a manner which is exploitative OR degrading and community concern on this issue was reflected in 5.87 per cent of complaints.

The low level of complaints (.41 per cent) about distinguishable advertising reflects a low level of community concern about whether advertising is clearly distinguishable or not.

This was a key finding in the 2018 Ad Standards research into what makes social media and online content 'clearly distinguishable as advertising' to online and social media audiences. See page 8 for the full story on the 2018 research into community perceptions of distinguishable advertising.

It may also be due to low awareness in general as it is a new provision to the Code of Ethics (Section 2.7) which was only introduced in March 2017.

Key issues of community concern 2018



What products attracted complaints?

Complaints about advertisements for gambling topped the product category list in 2018, with 23.1 per cent of all complaints. This was partly due to a gambling advertisement which became the most complained about ad in Ad Standards' 20-year history, with 793 community complaints. The main issue of concern raised about gambling ads, however, was in regard to the AANA Code of Ethics and specifically Section 2.4 of the Code (the treatment of sex, sexuality and nudity with sensitivity to the relevant audience).

Similarly, the second most complained about product category was insurance at 19.9 per cent with a record 716 community complaints lodged against an advertisement for insurance. The issues of community concern, however, were about the depiction of anger and violence especially in front of children.

The third most complained about category was entertainment, with multiple advertising campaigns promoting new release movies in this category. Complaints about entertainment were also predominately in regard to violent content.

In previous years, complaints about food and beverage products were predominately the most complained about product.

Most complaints by category 2018



GAMBLING
23.12%



INSURANCE
19.91%



FOOD & BEVERAGES
10.72%



ENTERTAINMENT
8.96%



7.28%
Lingerie



4.41%
Leisure & sport



4.18%
Automotive



3.57%
Community awareness



2.50%
Health products



1.86%
Travel



1.84%
Vehicles



1.71%
Finance/investment



1.60%
Sex industry



1.55%
Toiletries



1.52%
Clothing



1.50%
House goods/services



0.84%
Real estate



0.81%
Professional services



0.79%
Alcohol



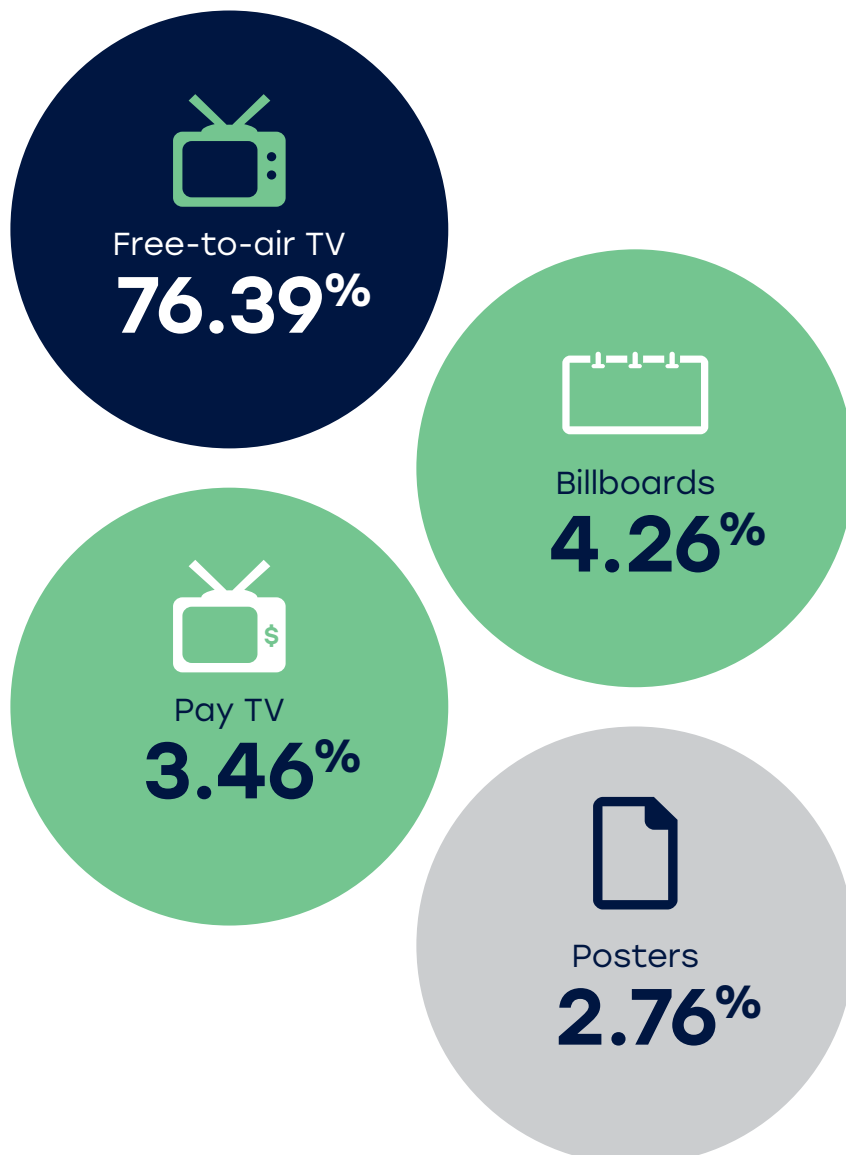
0.45%
Retail

Which media attracted complaints?

The majority of complaints in 2018 were about advertisements shown on free-to-air television (76.39 per cent), dropping slightly on the level from 2017 (79.06 per cent). In 2018 the top 10 advertisements in terms of complaints received were all broadcast on free-to-air television. On average, there were 15.34 complaints for every free-to-air television case.

These figures are consistent with the last five years where the average for complaints about advertisements on free-to-air television has been over 70 per cent.

The second most complained about media was billboards (4.26 per cent) which almost doubled from 2017 levels (2.28 per cent). This was followed by pay tv at 3.02 per cent and posters at 2.76 per cent.



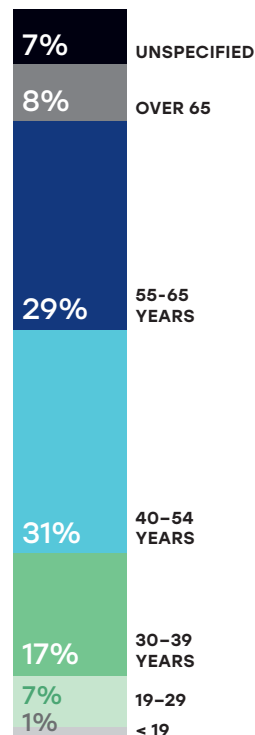
Community profile: where are complaints coming from?

What age are complainants?

The statistics showing the ages of complainants have been similar since 2008 when data first started to be collated. While the allocation varies from 2017, the top three age groups remain the same:

- People aged 40 to 54 years contribute the highest number of all complaints at 30.76 per cent.
- People aged 55 to 65 years account for 28.69 per cent of complaints.
- People aged 30 to 39 years account for 17.17 per cent of complaints.

People aged over 65 contribute 7.7 per cent of all complaints, while the younger demographic of people aged 19 to 29 years also actively participate in the advertising complaints adjudication system and in 2018 accounted for 6.9 per cent. Just over one per cent of complaints were from people aged under 19.

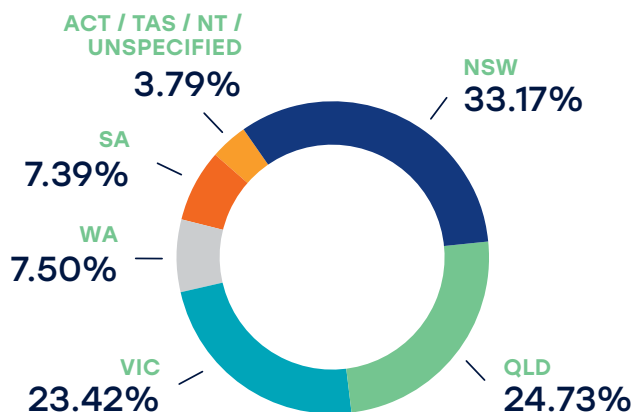


Where do people live?

The percentage of complaints received from most States and Territories remained consistent with previous years and are generally in line with national demographic trends.

As with previous years, the most populous state, New South Wales, topped the percentage of complaints received (33.17 per cent). Complaints from Queensland increased around five per cent to 24.73 per cent, followed closely behind by Victoria (23.42 per cent).

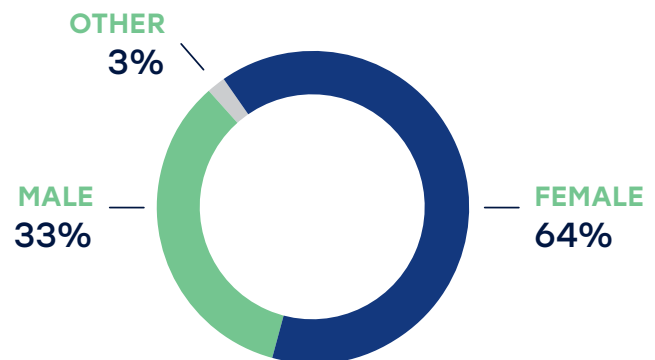
Complaints received from the other States included Western Australia (7.5 per cent), South Australia (7.39 per cent), the ACT (1.93 per cent), Tasmania (1.15 per cent), and the Northern Territory (0.21 per cent).



Who is complaining?

In 2018 females were again more likely to complain than males, with 64.01 per cent of complaints coming from females. This is in line with 2017 figures at 63.81 per cent.

The percentage of complaints from males (33.36 per cent) is marginally lower than the previous year (34.29 per cent). A small percentage of people chose to identify as unspecified and as a couple.



How do people complain?

The number of people lodging their complaints online in 2018 remained high, with 92.16 per cent of complaints made via Ad Standards' online complaints system. Postal submissions and complaints forwarded from other bodies accounted for the remaining 7.41 per cent. Less than half a percent submitted by fax.



These tables show key statistics over the last five years (2014 to 2018). Data collated prior to 2014 (from 1998 to 2013) is available on the Ad Standards website.

ALLOCATION OF COMPLAINTS (No., by complaint)

	2014	2015	2016	2017	2018
Complaints within jurisdiction	2309	1591	3134	3035	2708
Complaints outside jurisdiction	1197	1589	1322	1588	2121
Complaints about already considered advertisements (current year)	1838	601	578	1165	916
Complaints about already considered advertisements (previous years)	209	447	336	359	412
Consistently dismissed complaints	174	194	115	234	502
Not allocated at 31 December	8	8	44	91	37
TOTAL	5,735	4,430	5,529	6,472	6,696

COMMUNITY PANEL DETERMINATIONS (No., by advertisement)

	2014	2015	2016	2017	2018
Upheld	62	80	71	85	85
Dismissed	453	391	462	447	403
Withdrawn before Community Panel determination	30	30	43	29	43
Not proceeding to Community Panel	21	11	19	30	23
TOTAL	566	512	595	591	554

ISSUES ATTRACTING COMPLAINT (%)

	2014	2015	2016	2017	2018
AANA Section 2.4 - Sex, sexuality and nudity	14.27%	27.32%	22.74%	14.59%	36.39%
AANA Section 2.3 - Violence	12.13%	11.80%	17.98%	12.57%	26.58%
AANA Section 2.1 - Discrimination or vilification	27.61%	15.76%	27.23%	18.34%	8.66%
AANA Section 2.5 - Language	5.23%	14.01%	11.45%	18.79%	7.09%
AANA Section 2.2 - Exploitative or degrading	11.51%	4.60%	12.30%	9.06%	5.87%
AANA Section 2.6 - Health and safety	9.38%	10.46%	5.36%	12.55%	4.83%
Other	16.61%	12.06%	1.52%	4.77%	3.72%
AANA Wagering Code	-	-	0.26%	6.66%	3.35%
AANA Food and Beverages Code	1.87%	0.76%	0.56%	0.97%	1.13%
FCAI Code	1.25%	2.56%	0.29%	0.60%	1.04%
AANA Advertising to Children Code	0.05%	0.23%	0.17%	0.52%	0.50%
AANA Section 2.7 - Distinguishable advertising	-	-	0.00%	0.22%	0.41%
AFGC Quick Service Restaurant Resp Childrens Marketing Initiative (QSRI)	0.04%	0.17%	0.03%	0.20%	0.32%
AFGC Responsible Childrens Marketing Initiative (RCMI)	0.04%	0.12%	0.09%	0.11%	0.07%
AANA Environmental Code	0.01%	0.15%	0.03%	0.05%	0.05%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

PRODUCT CATEGORY ATTRACTING COMPLAINT (%)

	2014	2015	2016	2017	2018
Gambling	3.45%	6.54%	1.54%	18.31%	23.12%
Insurance	2.98%	4.41%	4.34%	4.72%	19.91%
Food and beverages	7.91%	12.67%	26.26%	24.01%	10.72%
Entertainment	2.46%	7.27%	5.31%	5.09%	8.96%
Lingerie	0.94%	3.00%	3.74%	5.14%	7.28%
Leisure and sport	0.26%	0.45%	12.15%	8.41%	4.41%
Automotive	20.51%	0.59%	23.54%	12.71%	4.18%
Community awareness	11.41%	5.86%	3.58%	2.97%	3.57%
Health products	0.57%	2.09%	0.40%	0.84%	2.50%
Travel	2.03%	1.32%	0.83%	0.44%	1.86%
Vehicles	3.00%	14.26%	2.02%	1.86%	1.84%
Finance/investment	0.80%	3.09%	3.04%	3.72%	1.71%
Sex industry	15.40%	1.18%	2.56%	1.51%	1.60%
Toiletries	11.46%	14.62%	1.24%	0.00%	1.55%
Clothing	1.80%	1.77%	1.75%	1.30%	1.52%
House goods/services	1.65%	4.13%	2.13%	2.30%	1.50%
Real estate	0.05%	0.23%	0.19%	0.21%	0.84%
Professional services	9.02%	10.67%	1.19%	0.84%	0.81%
Alcohol	1.30%	0.73%	1.75%	0.30%	0.79%
Retail	0.59%	2.18%	0.54%	1.42%	0.45%
Hardware/machinery	0.21%	0.41%	0.54%	0.14%	0.18%
Mobile phone/SMS	0.07%	0.09%	0.11%	0.05%	0.16%
Education	0.38%	0.05%	0.13%	0.02%	0.13%
Telecommunications	0.24%	0.00%	0.13%	0.35%	0.11%
Beauty salon	0.19%	0.14%	0.03%	0.07%	0.08%
Information technology	0.40%	0.23%	0.08%	0.07%	0.08%
Media	0.05%	0.00%	0.22%	0.12%	0.08%
Toys and games	0.14%	0.23%	0.22%	0.23%	0.05%
Other	0.19%	0.68%	0.00%	0.09%	0.03%
Bars and clubs	0.19%	0.77%	0.22%	0.02%	0.00%
Employment	0.00%	0.14%	0.13%	0.02%	0.00%
Office goods/services	0.00%	0.00%	0.03%	0.00%	0.00%
Religion/beliefs	0.00%	0.00%	0.00%	0.02%	0.00%
Restaurants	0.00%	0.00%	0.00%	0.00%	0.00%
Slimming	0.24%	0.23%	0.08%	0.07%	0.00%
Tourist attractions	0.12%	0.00%	0.00%	2.63%	0.00%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

ANALYSIS OF COMPLAINTS BY MEDIA (%)

	2014	2015	2016	2017	2018
TV - Free-to-air	77.72%	71.86%	70.34%	79.06%	76.39%
Billboard	5.32%	3.12%	3.24%	2.28%	4.26%
Other	0.99%	2.63%	1.17%	0.95%	3.46%
TV - Pay	4.09%	5.15%	3.48%	3.81%	3.02%
Poster	2.22%	2.43%	3.85%	4.62%	2.76%
Internet - social media	1.58%	1.99%	4.55%	2.49%	2.61%
Internet	2.08%	3.67%	6.90%	2.93%	2.15%
Transport	2.32%	2.70%	1.58%	1.12%	1.85%
Radio	1.80%	3.23%	2.37%	1.37%	1.67%
Outdoor	0.54%	1.02%	0.47%	0.33%	0.60%
Print	0.94%	1.46%	1.09%	0.51%	0.49%
Cinema	0.33%	0.31%	0.57%	0.12%	0.40%
Mail	0.07%	0.44%	0.39%	0.42%	0.33%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

ANALYSIS OF CASES BY MEDIA (%) *

	2014	2015	2016	2017	2018
TV - Free-to-air	44.77%	42.71%	40.45%	42.96%	38.81%
Poster	6.42%	5.99%	7.99%	5.88%	10.55%
Internet - social media	2.20%	3.59%	7.64%	5.88%	7.71%
Transport	7.89%	6.59%	4.34%	4.99%	7.16%
Radio	7.16%	6.59%	7.81%	7.31%	6.59%
Internet	7.16%	6.39%	7.47%	7.84%	5.84%
Billboard - static	5.14%	6.99%	5.90%	7.13%	5.46%
TV - Pay	7.34%	8.38%	7.47%	7.66%	4.90%
Print	5.14%	4.39%	2.26%	2.67%	2.45%
Outdoor	2.94%	2.40%	1.56%	1.43%	2.26%
TV - On demand	-	1.00%	0.69%	1.07%	2.07%
Email	-	-	1.22%	1.96%	1.69%
Cinema	1.47%	0.80%	2.08%	0.89%	1.13%
Promo material	0.37%	1.00%	0.52%	0.18%	1.13%
TV - Out of Home	0.55%	0.40%	1.04%	0.53%	1.13%
App	0.55%	0.60%	0.00%	0.71%	0.56%
Mail	0.55%	1.40%	1.39%	0.71%	0.38%
Billboard - mobile	0.18%	0.80%	0.17%	0.00%	0.19%
Flying banner	0.18%	0.00%	0.00%	0.00%	0.00%
SMS	0.00%	0.00%	0.00%	0.18%	0.00%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

* This table relates to individual cases, not complaints

CONSISTENTLY DISMISSED COMPLAINTS (No.)

	2014	2015	2016	2017	2018
Consistently dismissed issue	36	60	29	26	158
Unlikely interpretation	73	87	47	57	134
Consistently dismissed language	13	2	10	91	110
Not of concern to broad community	17	22	9	4	23
Same advertisement different media	-	-	-	12	21
Stereotypical depictions	-	-	3	4	17
Incorrect about content	26	13	5	11	15
Multicultural community	6	2	8	19	13
Product name	0	1	1	2	7
Images of food	3	4	2	5	4
Consistently dismissed - MLA	0	0	1	3	0
Food/beverage logos	0	3	0	0	0
TOTAL	174	191	115	234	502

REASON COMPLAINT DID NOT PROCEED TO A CASE (No.)

	2014	2015	2016	2017	2018
Programming and content	17	11	16	7	287
Gambling product - timing TV	74	85	150	201	238
Tasteless advertising	10	16	12	2	198
Political advertising	20	15	29	9	188
Misleading, truth and accuracy (not food)	177	136	118	116	156
Not S2 - disagree with content	163	187	218	189	130
Insufficient information to identify ad - general	48	55	85	69	91
Not S2 - general	32	46	19	82	89
Not S2 - ABAC	23	49	60	43	84
Not S2 - inappropriate behaviour	54	8	11	10	79
Product or service - general	67	71	36	31	75
Not an ad - general	44	26	34	52	60
Timing - TV	47	39	36	17	51
Promotion TV and radio	46	32	27	19	45
Advertisement withdrawn/discontinued before case established	67	34	18	50	42
Not S2 - personal issue	26	55	38	27	39
Legality	15	13	21	20	35
Not S2 - dislike advertising	5	8	4	7	28
Not S2 - not discrimination	8	5	19	18	28
Ad not broadcast in Australia	2	6	12	14	16
Overseas complaint	2	3	8	7	14
Therapeutic Goods	10	12	13	5	14
Not S2 - freedom of speech	14	50	91	35	11
Wicked Campers - need for detailed information	27	29	17	2	11
Ad Standards (ASB) complainant dissatisfied	11	4	22	9	10
Editorial	8	8	10	8	10
Unsolicited mail and products	4	5	8	4	10
Not S2 - use of Children	0	2	0	0	9
Not S2 - not Wagering Code	-	-	1	0	8
Not S2 - use of a personality	3	0	12	3	7
Business practices unethical	3	5	2	2	6
Not S2 - unfortunate placement	6	2	4	5	5
Timing - cinema	0	0	4	2	5
Too many ads	4	6	12	20	5
Withdrawn - complainant	0	0	0	2	5
Motor vehicle - RHS road	0	0	0	2	4
Not S2 - ADMA	4	0	2	0	4
Subliminal advertising	4	2	2	8	4
Loud ads	1	4	14	3	3
Not an ad - food packaging	10	6	3	0	3
Not S2 - ACMA	9	9	12	16	3
Not S2 - grammar in advertisements	2	5	4	2	3
Product or service - on radio	1	0	2	1	2
Tobacco advertising	3	1	1	3	2
Wicked Campers - dislike of advertising	11	4	6	0	2

	2014	2015	2016	2017	2018
Dislike of advertising - AMI radio ads	8	16	18	3	1
Timing - radio broadcast	1	4	0	2	1
Ad Standards/ASB - not pre-screening body	0	0	1	0	0
Ad Standards/ASB Industry Jury/Claims Board competitor	2	3	7	1	0
Ad Standards/ASB public awareness campaign	0	0	0	0	0
Community Service Announcement (CSA)	0	0	0	0	0
Competition coupons	0	0	0	1	0
Dislike of advertising - AMI TV ads	5	15	1	0	0
Dissatisfied - Ad Standards/ASB ineffective enforcement	0	0	0	0	0
Gambling odds in commentary	0	0	1	3	0
Insufficient information to identify ad - adult content	4	0	0	0	0
Misleading country of origin	0	0	0	0	0
Not an ad - other social media	1	1	0	0	0
Not an ad - Point of sale	0	1	0	0	0
Not an ad - signage on premises	0	0	0	0	0
Not S2 - e-cigarettes	1	1	0	0	0
Outside Charter - political - same sex marriage	0	0	0	390	0
Overseas website with no Aust connection	2	1	1	1	0
Product or service - food	5	2	1	1	0
Prohibited online content	4	2	0	1	0
RCMI - not an ad in media	0	0	1	0	0
Social issues	80	499	78	39	0
Weight management	2	1	0	0	0
TOTAL	1180	1589	1306	1564	2121

AGE RANGE OF COMPLAINANTS (%)

	2014	2015	2016	2017	2018
40 - 54	31.00%	30.77%	31.54%	34.64%	30.76%
55 - 65	14.16%	14.63%	21.11%	23.69%	28.69%
30 - 39	20.15%	20.67%	21.38%	19.69%	17.17%
> 65	5.64%	5.35%	5.02%	5.70%	7.74%
Unspecified	11.73%	11.60%	6.02%	6.55%	7.50%
19 - 29	14.79%	14.88%	13.22%	8.31%	6.93%
< 19	2.52%	2.10%	1.72%	1.42%	1.21%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

GEOGRAPHIC SOURCE OF COMPLAINTS (%)

	2014	2015	2016	2017	2018
NSW	37.63%	30.00%	30.60%	31.13%	33.17%
QLD	14.58%	19.12%	19.62%	19.67%	24.73%
VIC	25.43%	25.64%	26.46%	28.14%	23.42%
WA	9.79%	10.94%	10.77%	8.76%	7.50%
SA	8.96%	8.95%	6.61%	7.56%	7.39%
ACT	1.93%	1.88%	2.83%	2.01%	1.93%
TAS	1.25%	2.39%	2.06%	1.84%	1.15%
Unspecified	0.10%	0.24%	0.61%	0.45%	0.51%
NT	0.33%	0.84%	0.43%	0.45%	0.21%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

GENDER OF COMPLAINANTS (%)

	2014	2015	2016	2017	2018
Female	63.84%	63.73%	68.80%	63.81%	64.01%
Male	35.71%	35.04%	29.49%	34.29%	33.36%
Couple	0.19%	0.53%	1.36%	1.61%	1.09%
Unspecified	0.26%	0.71%	0.34%	0.29%	1.54%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

METHOD OF COMPLAINT (%)

	2014	2015	2016	2017	2018
Online	87.90%	88.13%	93.91%	93.42%	92.16%
Post	12.08%	11.83%	6.09%	6.58%	7.41%
Fax	0.02%	0.04%	0.00%	0.00%	0.43%
TOTAL	100.00%	100.00%	100.00%	100.00%	100.00%

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