



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

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| 1 | Case Number | 0008/14 |
| 2 | Advertiser | Pacific Equity Partners |
| 3 | Product | Food and Beverages |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 29/01/2014 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a suburban front yard where a fully-grown man lies in a paddling pool trying to survive the heat. We then see three guys sitting on a beach turning their heads in unison to watch a woman in a bikini walking past.

Other scenes include: a man falling from a diving board and belly flopping into a local swimming pool with a huge whack, a car crammed with gear for a summer vacation, a man with sun burnt skin, a man diving to catch a ball and missing it. A song is playing in the background with lyrics describing the summertime scenarios depicted on screen.

The final scene is of lots of people sitting on a beach eating Drumsticks.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

I am absolutely disgusted that this advertising includes sunburnt people. In a country where skin care is a must and there is so much emphasis and worry on melanoma, that this company is allowed to glamorise a sunburnt person. Take this off the air straight away! Past

*commercials with the same idea did not include these images, so why do they now?
I object to the portrayal of unsafe, unprotected skin exposure to the sun throughout the ad. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety". Many advertising campaigns by Cancer Councils and Health Departments throughout Australia, are aimed at increasing community awareness about cancer risks and this ad seems to completely overlook all of these messages about safety.*

It is known that skin cancer is largely preventable, skin damage is cumulative and UV rays add up whenever we are outside.

The ad doesn't include any of the five strategies to protect us: shade, hat, protective clothing, wrap-around sunglasses, SPF30+sunscreen.

(At least the 2007 ad for Peters Drumsticks included the use of sunscreen!)

I realise the focus of the ad is on the enjoyment of Drumstick and this is done in a humorous, eye catching way. At the same time, the unspoken message is the condoning of behaviour that is risky, in spite of significant evidence to the contrary, and increasing numbers of young people dying from melanoma.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

We confirm receipt of your letter advising of a complaint received by the Advertising Standards Bureau relating to the Peters Drumstick television ad for its "Celebrating 50 summers" campaign.

Firstly, we wish to confirm that Peters Ice Cream takes its advertising obligations seriously and we provide the following response to your letter:

· The current advertisement is part of a long standing strategy of the Drumstick brand to highlight the rituals that Australians enjoy every day throughout summertime. Its intention is to celebrate those common rituals which are synonymous with an Australian summer and which Aussies continue to enjoy. In light of Drumstick's 50th anniversary in Australia, our intention is to demonstrate that eating an iconic Peters Drumstick cone is one of these cherished summer rituals.

· The advertisement was developed to entertain and trigger memories of iconic moments of Australian summers. We have portrayed moments and activities that people have shared with us as being historically associated with an Australian summer. We do not believe the advertisement portrays unsafe behaviour in the sun nor demonstrates an ignorance of prevailing health & safety sun standards.

· *We intentionally ensured that umbrellas, sunglasses, hats, rash vests and shade were all featured at various points throughout the commercial to promote sun safety during the warmer weather – which are all in line with prevailing Community Standards on health and safety.*

· *We note particularly that the two young children who are prominently featured in the advertisement both wear sun protective rash vests. The advertisement depicts summer and beach scenes as they appear in life, where individuals take sun protection measures on a variety of levels. The public would expect that anyone in the sun would be wearing sunscreen when not taking other visible protective measures.*

· *The product demonstration of eating a Drumstick on the beach was depicted to showcase the refreshment of enjoying an ice cream on a summer's day.*

· *We advise that the actors in the advertisement were all provided with shade, protective clothing, water and maximum strength sunscreen throughout the shoot.*

· *The advertisements went through the CAD approval process before release and this issue was not raised as a concern.*

Peters Ice Cream submits that the advertisement complies in all respects with Section 2 of the AANA Advertiser Code of Ethics and respectfully requests that the complaints be dismissed.

Peters Ice Cream also submits that the advertisement complies with the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code.

On the basis of this response, we request that the present complaint is dismissed and no further action is warranted.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants' concerns that the advertisement depicts unsafe, unprotected skin exposure to the sun which is against prevailing community standards on health and safety.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that in one scene in the advertisement we see three young men openly admiring a woman in a white bikini as she walks past them. The Board noted that this scene presented the woman as confident and aware of the affect she is having on the men and considered that her bikini was not inappropriate for the beach setting and that in this typical beach scenario the focus is on the men looking foolish.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the advertisement features scenes of people undertaking various summertime activities such as loading a car to go on holiday, diving in to a swimming pool, attending a BBQ and that in some scenes we see people who have tan lines/sunburn and in particular one scene of a badly sunburnt man.

The Board noted the complainant’s concerns that the depiction of the sunburnt skin goes against prevailing community standards on safe sun exposure.

The Board noted it had previously considered an advertisement which featured a sunburnt man in case 0055/12 where it determined that the inclusion of a sun safety message meant that the advertisement would, “...convey to most people that it is important to be sun safe...”

The Board noted that it had also considered an advertisement featuring two young children on a beach without any obvious sun protection (0119/13). The Board noted in that case that, “...there is a very strong community concern about sun protection and appropriate measures should be taken in order to protect children and adults alike from the harmful effects of too much unprotected sun exposure.”

The Board noted that in this instance the depiction of people with sunburn is presented amongst a montage of uncomfortable or unpleasant instances – a dive in to a pool turning in to a belly flop, a chair sagging under the weight of the person sitting on it, a man diving to catch a ball and missing – and considered that the most likely interpretation of the advertisement is that getting burnt by the sun is something which people would want to avoid.

The Board noted that the advertisement is reflecting common Australian summer time activities and scenarios over the past 50 years and considered that there is a good variety of sun protection used throughout the advertisement: rashies, hats, umbrellas. The Board noted that the sun safe message is well known to Australians and considered that it is not an advertiser's role to actively promote this message so long as they don't actively discourage it. The Board considered in this instance the advertisement does not discourage sun safe behaviour and that overall the advertisement does not depict material contrary to prevailing community standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.