



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
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## Case Report

1	Case Number	0011/18
2	Advertiser	Nepean Events
3	Product	Entertainment
4	Type of Advertisement / media	Internet
5	Date of Determination	07/02/2018
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.6 - Health and Safety Depiction of smoking/drinking/gambling
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

An online Advertisement for a Mornington Peninsula Food & Wine Festival which features a series of images of a hand coming out of the water holding food and beverages.

### THE COMPLAINT

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

*I have a problem with the photo for the advertising . I feel that it is very bad taste. We live at a coastal destination where there have been multiple drowning or near drowning this year. This photo is promoting the combination of alcohol and swimming.*

### THE ADVERTISER'S RESPONSE



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

*The Mornington Peninsula is a destination of bountiful premium produce which includes wine, beer, meat, seafood, fruit, cheese, vegetables and more. It's a place where the lush green vines of some of Australia's best Pinot Noir and Sauvignon Blanc are backdropped by the Great Southern Ocean, Port Phillip Bay and Western Port Bay. A place where livestock graze on pastures of a rich green hue, and where crops are enriched by rainclouds that have travelled thousands of kilometres across some of the wildest of oceans and frontiers. It's where the sea meets the land, and the land meets the sea; creating a crescendo of gastronomic experiences.*

*It is this fortuitous geographic landscape, and the produce of it's yield, that form inspiration for the Mornington Peninsula Food & Wine Festival 2018 artwork. As a creative juxtaposition of the land meeting the sea, and the sea meeting the land; a series of images have been created to form a visual discussion of the area. The intended message to the viewer to is to appreciate our local produce, region, and to savour the experience.*

*In the series of images, you will see a hand emerging from the water. The hand is proudly holding one of several different local produce specialties which include; beef, cheese, beer, vegetables and wine. In a further addition to the ocean based images, some land based imagery is also introduced. With the hand now proudly emerging from a grape vine, you are introduced to yet another juxtaposition of a local Snapper fish rising above the lush green foliage. It is this visual juxtaposition which forms the discussion of the Mornington Peninsula's world class producers and growers who thrive on the geographic fortune; of the land meeting the sea.*

*The artwork has not been created in a literal sense, and it is not the intention of the creator to be encouraging swimming, or climbing into grapevines for that matter. As a region that is largely surrounded by sea, the Mornington Peninsula is identifiable by it's relationship with the ocean, and any visual discussion of the area that doesn't involve the sea would be ill-considered. In an attempt to mitigate any possible confusion that the figurative arm and hand belong to a person who is swimming, the artwork was carefully created so that the body cannot be seen, and the visual action of the arm and hand do not appear to be performing or actioning anything resembling a swimming stroke or technique.*

## **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 complainant's concern that the advertisement promotes the combination of alcohol and swimming.

The Board reviewed the advertisement and noted the advertiser's response.

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 internet advertisement featured a series of images of a hand coming out of the water holding food and beverages. In particular the Board noted the images of the hand holding beer and wine.

The Board noted the complainant's concern that there have been a number of drowning deaths over the last year and this advertisement was promoting the combination of alcohol and swimming.

The Board acknowledged that there is significant community concern around water safety in Australia, and that it is not advisable to combine alcohol consumption and swimming.

The Board considered the advertiser's response that the ocean was depicted to represent the area the festival was taking place in, and care was taken to make sure that the hand depicted in the advertisement did not look like anyone swimming.

The Board considered the advertisement as highly stylised and artistic and that the image was promoting a food and wine festival in the region.

The Board considered that the hand in the advertisement may resemble a swimmer putting their hand up in the water for help, however considered that the hand holding a drink was more symbolic of the produce of the local area.

The Board considered that it was unlikely any reasonable member of the community would see this advertisement as promoting or condoning the combination of swimming and alcohol consumption but rather that it is a series of images clearly promoting a food festival.

The Board considered that the advertisement did 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 complaint.

