



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0014/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Coca-Cola Amatil</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>18/01/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This bus advertisement features Australian actor Josh Lawson and Australian media personality Jennifer Hawkins on a beach, accompanied with the tagline 'Beach Migration Hydration.' Jennifer is kneeling on the beach and wearing a striped one-piece bathing suit and Josh is buried in the sand up to his chest and is wearing a blue suit jacket and white shirt.

## THE COMPLAINT

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

*This is too revealing in the high cut togs and not appropriate.*

## THE ADVERTISER'S RESPONSE

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

*I refer to your letter dated 4 January 2017 regarding the above complaint received by the ASB in respect of the 'Mount Franklin' Beach Migration Hydration bus advertisement ("Advertisement"). Adopting the headings set out in your letter, set out below is CCA's response.*

*CCA seeks to ensure that, at all times, it complies with the AANA Advertiser Code of Ethics (the “Code”). CCA wishes to note at the outset of this letter, that it would like to work with the Advertising Standards Bureau (the “ASB”) to resolve any concerns that the ASB may have in relation to this Advertisement.*

#### *Description of the Advertisement*

*The Advertisement is a bus megaside, which is a landscape artwork piece that is used to dress up the side panel of a bus. The Advertisement illustrates Australian actor Josh Lawson and Australian media personality Jennifer Hawkins on a beach, accompanied with the tagline ‘Beach Migration Hydration.’*

#### *Details of where the Advertisement appears*

*The Advertisement is planned to appear on 50 buses across Sydney, Melbourne, Brisbane, Adelaide and Perth from the week commencing 13th November 2016 until the end of the week commencing 8th January 2017.*

#### *Complaint*

*We understand that the ASB has received a complaint regarding the Advertisement.*

*CCA respectfully submits that the Advertisement is not in breach of the Code in any way.*

*In particular, CCA submits that the Advertisement does not in any way, employ sexual appeal in a manner which is exploitative and degrading of any person, or use or depict sex, sexuality, or nudity, in contravention of sections 2.2 or 2.4 of the Code. We submit that Jennifer Hawkins is wearing an outfit relevant to the environment and context she is depicted in (a beach), and this is not in any way sexually suggestive or inappropriate. CCA considers the sensitivities of the relevant audience of all of its advertisements.*

*The Advertisement is intended to be humorous and fun, not to offend. The Advertisement is also intended to remind Australians to keep hydrated throughout summer, which is relevant given the hot weather we experience as a nation.*

*We therefore respectfully submit that the Advertisement is not in breach of the Code.*

*Please do not hesitate to contact me if you have any queries in relation to this letter.*

## **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 concerns that the advertisement depicts an image of a woman wearing a revealing swimsuit which is not appropriate.

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 this transport advertisement depicts Jennifer Hawkins on a beach wearing a one piece swimsuit.

The Board noted the complainant’s concern that the swimsuit is high cut and too revealing. The Board noted that the swimsuit Jennifer is wearing is a traditional one piece that covers her whole torso and considered that her private areas are completely covered and the level of nudity is consistent with what you would see at any beach in Australia.

The Board considered that the advertisement did not depict sex, sexuality and nudity 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 that the advertisement also depicts Josh Lawson buried in sand up to his shoulders.

The Board noted it had previously considered a similar image of a person buried in sand in case 0436/13 where:

“The Board noted the complainants’ concerns that it is dangerous to be buried in sand. The Board noted that whilst there have been instances of people getting in to trouble whilst tunnelling in sand, in the Board’s view burying someone up to their neck in sand is common beach behaviour which is unlikely to lead to sand asphyxia due to the head being free from sand.

The Board noted that the scene featuring the man buried in sand is very brief and considered that it does not encourage or condone unsafe behaviour on a beach.

The Board noted that the young man buried in sand looks happy and does not appear to be in distress at his situation and considered that the advertisement does not depict, condone or encourage bullying behaviour.”

The Board noted that the current advertisement is on public transport and considered that Josh is smiling and does not appear to be in a position he is uncomfortable with.

Consistent with its previous determination in case 0463/13, the Board acknowledged that there have been instances of people getting in to trouble whilst tunnelling in sand but considered that the current advertisement’s portrayal of a man whose head and shoulders and right arm are free from the sand, and who is smiling and apparently happy, is not a portrayal which is 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.