



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0039-21
2. Advertiser :	Vacay Seltzer
3. Product :	Alcohol
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	24-Feb-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features a man dressed in patterned shorts and a shirt, pictured mid-jump into the ocean. He is almost horizontal to the water and holding a can of drink to his lips.

THE COMPLAINT

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

The act of jumping into the water from an extreme height whilst drinking alcohol really doesn't send a good message to the young adults of today, I work in the medical industry and I've seen a lot of accidents that have happened due to similar actions

THE ADVERTISER'S RESPONSE

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

The image in question does not show him drinking the beverage, he is holding it up to his face, but it is not opened nor show it being consumed. This complaint references dangerous heights which is absurd- the height is 1m and you can clearly see the water below the railing. Nothing in this photo is dangerous or illegal about this photo. The person making a complaint has no basis in their argument and as such it should be ignored.



Regardless to keep the peace we have removed the image from social media so we can put this behind us and not waste any more of anyones time on it.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the act of jumping into water from an extreme height while drinking alcohol could lead to an accident.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the advertiser's response that the male in the advertisement is not seen drinking, and is only jumping from 1m high.

The Panel considered that the height the male is jumping from doesn't appear high and there is no indication that his action is unsafe.

The Panel acknowledged that consuming alcohol and jumping into water can lead to accidents, however in this still image there is no indication that the man has already been drinking, or has had more than the one drink shown in the image.

The Panel considered the man's actions were highly staged for the purpose of an Instagram photo, and there was no indication that the man was intoxicated or behaving unsafely.

Overall, the Panel considered that most members of the community would not consider this highly staged image to be a depiction which would be considered unsafe or likely to lead to injury.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

**ABAC Code**

The Panel noted that advertisements about alcohol products may be considered against the provisions of the AANA Advertiser Code of Ethics as well as the Alcohol Beverages Advertising Code Scheme (ABAC). The Panel noted that complaint/s in this case were referred to ABAC for assessment. The Panel noted that the ABAC Responsible Alcohol Marketing Code (ABAC Code) is an alcohol specific code of good marketing practice and has specific standards which apply to the promotion of alcohol products. The Panel further noted that it can only consider complaints about alcohol advertising under the concept of prevailing community standards as set out by the AANA Code of Ethics. The Panel noted that the advertisement may be considered by the ABAC Chief Adjudicator or the ABAC Adjudication Panel applying the ABAC Code, as well as this determination under the Code of Ethics.