



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0046-20
2. Advertiser :	Unilever Australasia
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement is for Lipton Iced Tea and features close ups of the sun, leaves and fruit, and then various scenes of people around a pool.

THE COMPLAINT

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

The ad depicts young adults in the sun. Not only are they in the sun, they are praising the sun & complaining about a small cloud covering the sun & interrupting their sun baking. It even points out & depicts a person with red hair and freckles baking in the sun.

In a country where melanoma is the second highest killer this is extremely irresponsible advertising. Especially as it is depicting and targeting young persons and young adults who are an already known group of risk takers with limited perception of actions resulting in harm especially when they percipient the harm as irrelevant as they would melanoma.

Irresponsible behaviour beside a pool where one young person tackles another at midriff height and they both are carried into the pool by the force of the tackle. Dangerous for participants and any person in pool, to show that this is an



acceptable action is equivalent to a coward punch, taking a person unawares. Such promotion of bad behaviour pool side will have a tendency to say this is acceptable, any well managed public pool would not tolerate such actions and any private pool owner that tolerated horseplay of this type needs to re examine their thought process. Advertising of this ilk does nothing to promote water safety and everything to show that "horse play" is acceptable behaviour. There need to be standards in advertising which condemn any ad which portray bad behaviour, bullying and any action which might be construed as gratuitous physical action against another person.

THE ADVERTISER'S RESPONSE

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

We take the AANA Code of Ethics extremely seriously and we have taken great care to ensure that the Advertisement complies with the Code of Ethics. However, although there was only one single complaint about the tackle shown in the Advertisement we recognise the concerns of the complainant and will replace the Advertisement with a different TV commercial.

Everyday in summer thousands of Australians spend time in the sun at swimming pools and beaches. We submit that spending time in the sun by a pool or on the beach is common practice in Australia and as such cannot be classified as unsafe behaviour.

The TVC does not indicate for how long the people are relaxing by the pool. While the sun's ultraviolet radiation can be a major cause of skin cancer, responsible exposure of skin to the sun cannot be considered to be unsafe if SPF30+ or SPF50+, broad-spectrum sunscreen is applied and the length of sun exposure does not exceed safe levels.

The TVC does not indicate that the people who relax by the pool are acting irresponsibly by staying in the sun for too long and without sufficient sunscreen protection.

We submit that viewers will understand that the Advertisement does not show unsafe behaviour as it contains no indication that the people spend too much time in the sun or that sunscreen was not applied.

We take safety seriously and promote peaceful and non-violent behaviour. The Advertisement shows a rugby-style tackle between young men in the way that can often be seen in Australia. The words 'Best Mates' appear on screen and make clear that it is a friendly tackle between two good friends and that no harm is caused by the tackle.

We submit the tackle does not portray violence and is not contrary to Prevailing Community Standards on health and safety as it is performed in a friendly environment. The young man who is tackled lands in the pool which makes the



occurrence of injuries very unlikely. The words 'Best mates' make clear to viewers that harm is not intended and actually does not occur.

We submit that the tackling scene does not portray violence and is not contrary to Prevailing Community Standards on health and safety.

Conclusion

We submit that the visuals of the Advertisement and the language used are well within prevailing community standards and that the Advertisement complies with the Code of Ethics.

THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement depicts unsafe behaviour by featuring people in the sun, and bullying.

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

The Panel considered whether the advertisement complied with 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 Panel first considered a complainant's concern that the advertisement depicts young adults in the sun, and that they complain that a cloud covers the sun and interrupts their sunbaking.

The Panel noted that none of the people in the advertisement make comment as to the sun interrupting their sunbaking, rather they simply look at the cloud. The Panel noted that the group appears to be barbecuing on a deck, and the impression is that it is a group of friends enjoying a sunny day together, rather than specifically sunbaking.

The Panel noted the complainants concern that the young people are not taking appropriate sun safe behaviour in the advertisement. The Panel noted that some of the people are depicting wearing hats, and that there is no indication as to whether or not people have put on sunscreen. Overall the Panel considered that the advertisement provides no indication of how long the people had been in the sun or what level of sun protection may have been used.

The Panel considered that the Code prohibits depictions of material contrary to Prevailing Community Standards on health and safety, and if it was clear that people were not wearing sun cream, hats or other sun safe measure then this would breach



the Code. However a lack of positive indication that they have used sunscreen does not amount to a breach of the Code.

The Panel then considered a complainant's concern that the advertisement depicts a man tackling another man into a pool.

The Panel considered that the action between the two friends is clearly playful, and that the tackle is not made in an aggressive or violent manner. The Panel considered that it is clear that they are having fun and are friends and that this is not a violent act.

The Panel noted that there are no people in the path of the men as they make contact with the water. The Panel considered that while some members of the community may consider this behaviour to be inappropriate, an action such as pushing or falling with a friend in the water is a common action undertaken by young adults, and that such a depiction is not of itself against commonly accepted community standards.

The Panel considered that this particular scene was not a depiction which most members of the community would consider to be contrary to Prevailing Community Standards on safety around a pool.

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

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.