



Case Report

1	Case Number	0064/13
2	Advertiser	Unilever Australasia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	13/03/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A young woman takes a sip of Lipton Ice Tea Virgin Cocktail and then jumps in to a swimming pool followed by two men who rush past the pool attendant to jump in the pool as well. We see these people join other people already socialising, playing cards and dancing at the bottom of the pool and a male voice over says, "New Lipton Ice Tea Virgin Cocktails. Enjoy irresponsibly".

THE COMPLAINT

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

My concern is that suggestible young children may view this advert and think it is possible to live and breathe and under water.

I do know this advert was shown at a time designated 'adult' viewing, nevertheless I am not naive in thinking that many parents and caregivers do not honour this guideline....instead they allow those in their care to watch television late at night.

Recently, the media have drawn viewers' attention to the dangers of children ...including teenagers ...attempting to hold breath underwater....there has been a recent fatality through this practise...Medical Specialists have spoken regarding the dangers of this on television. My concern is the advert portrays that it is 'hip' and clever and trendy to live and act underwater....

Children do not see the world as adults do...their discernment can be faulty and peer

pressure to attempt this practise is reinforced by this advert.

I'm concerned about how this might be perceived by small children, when we are trying to teach them about the inherent dangers and need for caution with water, in particular swimming pools.

*We can't breathe or live underwater and children may not be able to differentiate this fact especially as there were toys and bright colours being used underwater.
Granted the program was on after 8.30 but nowadays with recorders the program could be viewed when young children are about.*

With young children and the high incidence of child drowning I find it quite disturbing that a beverage is advertised with an apparent benefit of no longer needing to breathe whilst under water. Although a sensible adult should be able to understand that simply drinking this drink will not provide the ability to live under water a child is not capable of making the same distinction and may in fact believe that simply drinking this drink will allow them to play under water.

THE ADVERTISER'S RESPONSE

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

Unilever takes safety matters very seriously.

At the outset, we would like to emphasise that neither the advertisement nor the product itself are targeted at children. The Lipton Ice Tea Virgin Cocktails product is targeted at the 18-24 age group. The advertisement was rated PG and is not shown in children's television programming. All actors and actresses shown in the advertisements are adults and depicted engaging in activities enjoyed by adults.

Care was taken to ensure that the underwater scenes are depicted as, and interpreted by consumers to be, fantasy scenes. We do not believe that a reasonable viewer would believe that the people were actually having a party under water, or suggest that an underwater party is a safe and advisable thing to do.

Further, specific actions were taken to ensure that the advertisement complied with the prevailing community standards of health and safety. For example, care was taken to ensure that the two men moving past the pool cleaner were briskly walking and not running into the pool, and we purposely excluded all scenes depicting any explicit inhalation under water.

Conclusion

On the basis that the advertisement is shown only in PG suitable timeslots, is not targeted at children, is clearly a fantasy scene and does not depict any form of inhalation underwater, we do not believe that the advertisement encourages behaviour contrary to prevailing community standards of health and safety, such as attempting to hold a party underwater.

We are confident that the advertisement complies with all aspects of the AANA Code of Ethics.

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 people able to breath under water and this could encourage children to copy them with potentially fatal consequences.

The Board viewed 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 advertisement features adults drinking Lipton Ice Tea at the bottom of a swimming pool and participating in activities as though they were not under water.

The Board noted that the actors in the advertisement are depicted as being able to breathe under water without assistance, however the Board considered that the overall tone of the advertisement is clearly of a fantasy nature and that its unrealistic nature is not likely to be interpreted as an encouragement to try to breathe under water.

The Board noted that children are known to spend time under water holding their breath as a game or competition with their friends and considered that the activities of the adults in the advertisement are unlikely to be of interest or appeal to children and are not likely to encourage children to try and spend any more time under water than they ordinarily would.

The Board noted that the advertisement has been rated ‘PG’ by CAD and considered that the fantasy nature of the advertisement is easily explained to a PG audience.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

