



Case Report

1	Case Number	0074/15
2	Advertiser	Wicked Campers
3	Product	Travel
4	Type of Advertisement / media	Internet
5	Date of Determination	11/03/2015
6	DETERMINATION	Upheld - Not Modified or Discontinued

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

This internet advertisement for Wicked Campers features an image of a packet of cigarettes with the word, "Wicked" written in the style of "Winfield" cigarettes. The packet is open and some of the cigarettes are raised up as though about to be taken from the packet. The text next to this image reads, "...anyhow book online or phone 1800 24 68 69".

THE COMPLAINT

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

I thought cigarette advertising was against the law.

THE ADVERTISER'S RESPONSE

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

The advertiser did not respond.

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 features a packet of cigarettes in the style of a Winfield advertisement which is against the law.

The Board viewed the advertisement and noted the advertiser had not provided a 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 that this advertisement features on the Wicked Campers website and depicts an open pack of cigarettes with the word ‘Wicked’ written on it in the style of Winfield cigarettes.

The Board noted the Commonwealth’s Tobacco Advertising Prohibition Act 1992 which includes in its definition of advertising:

“...any other words (for example the whole or part of a brand name) or designs, or combinations of words and designs, that are closely associated with a tobacco product...”

The Board noted that the text next to the image of the cigarettes reads, “...anyhow...” and considered that a significant number of the community would be familiar with this word as part of the tagline of advertising for Winfield cigarettes. The Board considered that the image of an open packet of cigarettes alongside branding which imitates a well-known brand of tobacco cigarettes is an overall depiction which is contrary to Prevailing Community Standards on health and safety around smoking.

The Board determined that the advertisement did depict material which would be in breach of Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Board's determination. The ASB will continue to work with the relevant authorities in Queensland regarding this issue of non-compliance.

