



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0077/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Schweppes Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/03/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features a number of people magically tumbling through various landscapes and into a lagoon to the sounds of a classical music score. The final frames are of the Schweppes logo and the copy, 'this is Schwepperevescence' appears on the screen.

### THE COMPLAINT

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

*These people should literally break their respective necks and end up as a bag of human jelly doing these stunts. Of course they are computer generated but look very realistic. While this may look clever it is only a matter of time before the younger generation try this stunt for themselves. I am surprised this TV ad was allowed in the first place. I hope this message does not get deleted.*

*Please get this disgraceful TV ad removed.*

### THE ADVERTISER'S RESPONSE

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

*We refer to your letter of 28 February 2013, concerning a complaint received by ASB in relation to a Schweppes TV advertisement (Advertisement) produced by Schweppes Australia Pty Limited (the Advertiser). We appreciate the concern, however the Advertisement is intended to be lighthearted and whimsical. We do not condone or promote any kind of irresponsible social or public behaviour, especially anything that endangers the welfare of individuals or others.*

*The Advertisement features a number of people magically tumbling through various landscapes and into a lagoon to the sounds of a classical music score. The final frames are of the Schweppes logo and the copy, 'this is Schwepperevencence' appears on the screen.*

*The complaint suggests the advertisement promotes the idea of tumbling in a similar fashion to a younger generation and as such is in breach of Section 2 of the AANA Advertiser Code of Ethics.*

*We believe the advertisement is within Section 2 of the AANA Advertiser Code of Ethics guidelines because of the following:*

- The Advertisement does not promote unsafe or dangerous behaviour. There is no suggestion the behaviour could be imitated, as the actors in the Advertisement are clearly in a fanciful situation in which their tumbling is magically assisted;*
  
- The Advertisement is not aimed at children. The Advertisement only uses actors over the age of 30 in formal clothing not only to appeal to people above the age of 25 but also as a means to heighten the idea that this situation is surreal; and*
  - 1. The Advertisement has received a W classification from CAD and as such precludes the ad from being featured during C rated programming.*

*If you have any questions or require any further information, please do not hesitate to contact me.*

## **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 concern that the advertisement promotes dangerous activities that could be copied by others and is contrary to prevailing community standards on health and safety.

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

The Board considered whether the advertisement was in breach of 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 features a number of people tumbling through various landscapes and into a lagoon to the sounds of a classical music score. The final frames are of the Schweppes logo and the text, 'this is Schweppervesence' appears on the screen.

The Board noted that in this instance the portrayal of rolling and tumbling through the snow and forests has a clearly fantastical element in that way the people are falling, their attire and the fact that people keep joining the event.

The Board noted the expression of joy on the man's face prior to him launching himself down the side of the snow covered mountain and considered that most members of the community would interpret his reaction and the way he is presented as unlikely and fictitious.

In the Board's view the advertisement is not promoting or condoning any form of unsafe behavior and is not likely to encourage young people to re-enact the behavior seen in the advertisement.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.

