



Case Report

1	Case Number	0085/15
2	Advertiser	Lion
3	Product	Alcohol
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement that is the subject of this complaint is a TV advertisement for XXXX. The advert shows 4 city slickers marooned on the island. The XXXX island residents come to greet the new arrivals. One of the city slickers is struggling to place sunscreen on his body and one of the XXXX island guys asks if he would like some help. He then takes a spray machine which is filled with sunscreen and covers the city slicker from head to toe in sunscreen to ensure his body is fully protected. The end shot shows the guys standing on the beach drinking a beer and the city slicker is fully covered in sunscreen.

THE COMPLAINT

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

The advert suggests that the use of sun screen or sun protection is not a "manly" thing to do and that if he drank XXXX he would not need it - then he would be a typical Aussie bloke, tanned, buff and drinking,

As a GP with a specialist interest in skin cancer, I am concerned that the advert suggests sun protection is not something men should do. At a time when we are trying to reduce the rate of skin cancers, this is inappropriate.

The advertising of alcohol is another matter and not one I wish to address here. I merely wish to encourage appropriate advertising approaches to skin cancer risks.

THE ADVERTISER'S RESPONSE

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

The information requested in your letter and additional supporting information is set out below. To confirm, the Television Advertisement was pre-vetted internally at Lion and externally by ABAC, receiving approval from both before going into market.

Response to Complaints

Lion does not consider that the Advertisement breaches any section of the ABAC Responsible Alcohol Marketing Code (ABAC Code) or any other official Australia advertising code.

As noted in further detail below:

- (i) Lion takes its advertising responsibilities extremely seriously and has a strong compliance track record in this regard;*
- (ii) Lion has a number of strict internal and external processes against which any proposed advertisement is considered; and*
- (iii) the Advertisement was approved through each of these processes prior to Lion's decision to broadcast it.*

Does the advertisement breach Section 2 of the Advertiser Code of Ethics, namely the following:

2.1 - Discrimination or vilification

2.2 - Exploitative and degrading

2.3 - Violence

2.4 - Sex, sexuality and nudity

2.5 - Language

2.6 - Health and Safety – (specially this part as this was highlighted in the complaint attached)

2.6 of the code states that the following must not be depicted in an advertising or marketing communication:

- Images of bike riding without helmets or not wearing a seatbelt will be contrary to prevailing community standards relating to health and safety. Similarly, advertisements depicting unsafe practices or images, such as riding down a hill in a wheelie bin, using a mobile phone while driving or apparently hiding in a chest freezer etc are unacceptable. Advertisers should take care not to depict behaviour that children may imitate.*
- Motor vehicle advertisements are subject to the health and safety section. This means that a motor vehicle advertisement cannot depict images contrary to public health and safety notwithstanding the images being unrelated to the motor vehicle advertised.*
- Bullying – the age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards.*
- More care must be taken when the people depicted in an advertisement are children or if there is an unequal relationship between the people in the advertisement, eg student and teacher, manager and worker.*

The XXXX GOLD TV commercial 'Sunscreen' is part of a 5 part campaign depicting a group of city slickers that find themselves stranded on XXXX Island with the XXXX Island residents. Over the course of the campaign, the city slickers, through the Island residents, begin to learn that there is more to life than material possessions or important job titles & begin to enjoy the beautiful Aussie Outdoors & activities on XXXX Island. The 'Sunscreen' execution is designed to tap into the human truth that there are some difficult to reach spots when it comes to applying sunscreen. One of the city slickers is battling this issue as he is accustomed to being in an office all day. One of our Island residents offers to help out with a

sunscreen applicator & once applied, all are congratulated on a job well done. Following this, the group enjoys a beer together in the bar to celebrate the job well done & afternoon enjoyed together.

- At no point does TVC suggest that alcohol can be a substitute for sunscreen or that it is not “manly” to place on sunscreen. As you can see in the TVC, sunscreen is applied, an ample amount, to ensure that the newcomers are protected from the island sun. They are not used to the outdoor life and are not skilled at applying sunscreen. The residents help the marooned newcomers by providing sunscreen

- At no point in the advert are the newcomers to the island ridiculed. The XXXX residents ask if the gentlemen struggling applying sunscreen needs a hand. He then moves on to helping him apply it in more efficient way. In no way does covering him in sunscreen indicate that if the newcomer drank XXXX he wouldn't need it. This is further supported by the fact that the newcomer covered in sunscreen, is seen enjoying a XXXX with the Island residents in the following scene. The residents are seasoned on the island and are accustomed to applying sunscreen and in turn help the newcomers

- Nowhere during the TVC does it suggest or imply that sunscreen should not be used by men.

- There is no sign of distress, no sign of reckless driving and nowhere on the image is it suggested to drink and drive.

There is nothing in the advertisement to show or suggest that any of the behaviors and activities outlined in the complaint are depicted.

Lion's Commitment to ABAC and ASB

As a responsible advertiser, Lion has demonstrated a long-standing commitment to supporting and adhering to the ABAC Responsible Alcohol Marketing Code (ABAC) and Advertising Standards Bureau (ASB).

In acknowledgment of Lion's position of support for ABAC and ASB, Lion maintains strict internal and external processes. As well as upholding the standards outlined within these advertising codes, Lion maintains internal best practices which often exceed these requirements.

As part of Lion's marketing approvals process, this Advertisement for XXXX was subject to:

- Review and advice from external creative agencies well-versed and experienced with ABAC and ASB requirements;*
- Independent legal review and advice from an external legal team specialising in FMCG marketing and advertising compliance and interpreting the relevant advertising codes and legislation;*
- Review by Lion's internal marketing compliance team to ensure its adherence to Lion's internal best practice policies;*
- Review and approval through the AAPs pre-vetting service at both concept and final stages to ensure its compliance with community standards and relevant advertising codes.*

I can confirm that each of the above requirements was complied with in relation to the Advertisement, prior to its broadcast.

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 suggests that the use of sunscreen is ‘uncool’ and would deter people from using sunscreen which is unsafe and irresponsible.

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 the advertisement features a group of men (from the city) marooned on an island and one of the men is struggling with putting sunscreen on. One of the island residents prepares a spray gun and covers the man with sun cream all over his body. At the end the men are seen having a beer together and he is still covered in cream.

The Board noted the complainant’s concern that the advertisement suggests that wearing sun cream is not a manly thing to do and that if the character in the advertisement drank the beer XXXX he would not need it.

The Board noted that the two groups of men are meant to be identified as ‘city’ versus ‘island residents’ and that the city group of men arrive in business shirts and ties. The Board noted the island residents are casually dressed and relaxed in nature.

The Board noted that the man who is sprayed with sun cream is trying to apply his own cream at first and although he looks uncomfortable with the offer of assistance, he does accept the help of the other man.

The Board noted that there is nothing to suggest that the application of sunscreen is derided as ‘unmanly’ as such, but rather that the way that it is applied can be improved rather than the awkward attempts at doing it oneself. The Board also considered that there was nothing in the advertisement that suggested that a typical beer drinking ‘Aussie bloke’ would not need sun screen protection.

The Board acknowledged that there is significant community concern regarding sun safety and the possible long term consequences of not protecting oneself against the sun. The Board considered however that this advertisement’s depiction of spraying a man completely with suncream is clearly unrealistic and lighthearted and humorous.

The Board considered that the overall tone of the advertisement was one of humour and exaggeration and that the men were portrayed as being uncomfortable about their arrival on the island but were welcomed and assisted straight away by the residents.

The Board considered that the advertisement did not depict material contrary to prevailing community standards on responsible sun protection and is not in breach of section 2.6 of the Code.

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