



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0145/18
2	Advertiser	Lion
3	Product	Alcohol
4	Type of Advertisement / media	Internet-Social-Inst
5	Date of Determination	11/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This Instagram advertisement features a post from the 5 Seeds Instagram account @5seeds_au and depicts a woman sitting on the beach in the sun, wearing a bikini and holding a bottle of 5 Seeds. The post is captioned 'Girls just wanna have sun' [sun emoji image, bikini emoji image] #5Seeds [camera emoji image] @mcdhannah #sp'.

THE COMPLAINT

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

Breach of the AANA Code of Ethics

The 5 Seeds Instagram post is a breach of clause 2.6 of the AANA Code of Ethics, which provides that Advertising and Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The post depicts an attractive young social media influencer in a bikini sitting on the beach in full sun without any visible sun protection or shade, with the caption, 'Girls





just wanna have sun’.

As a result of Cancer Council’s well-known SunSmart program and ‘Slip, Slop, Slap, Seek, Slide’ messages, taking appropriate sun protection measures, including wearing a hat and sunglasses, covering up and seeking shade, have become Prevailing Community Standards on sun protection and skin cancer prevention.

This post is likely to encourage young women to expose themselves to the sun without any form of sun protection, and is clearly contrary to these Prevailing Community Standards.

It is vital that SunSmart messages are not undermined by irresponsible advertising that promotes dangerous sun exposure. Australia has one of the highest rates of melanoma diagnoses in the world, with two in three Australians diagnosed with skin cancer by the age of 70.

We ask you to request the advertiser to remove this post, and ensure that it refrains from promoting hazardous sun exposure in the future.

THE ADVERTISER’S RESPONSE

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

The social post on the 5 Seeds Instagram page that reads “Girls just wanna have sun’ [sun emoji image, bikini emoji image] #5Seeds [camera emoji image] @mcdhannah #sp’ was approved through Lion’s internal processes and is not in breach of the Australian Association of National Advertisers Code of Ethics (AANA Code of Ethics). Moreover, this advertisement is not in breach of Section 2.6 of the Code, as outlined in the complaint accompanied by your letter.

The advertisement is intended to promote 5 Seeds cider only, and does not depict material contrary to the Prevailing Community Standards on health and safety. The use of the phrase, ‘Girls just wanna have sun’, is clearly intended to be a play on words from the famous Cindi Lauper song, ‘Girls just wanna have fun’, and refers to the influencer’s preference to enjoy a 5 Seeds cider while she takes a moment to enjoy her surroundings at the beach.

The caption on Hannah’s post shared on her own account, ‘The sand. The heat. The water cooling my sunburnt shoulders. And, a cheeky 5 Seeds lower sugar cider. That’s what the hot summer ahead looks like. @5seeds_au #ad’ was not approved by 5 Seeds. In fact, the agreed caption to be shared on her own post included, ‘Guilt free bliss with 5 Seeds low sugar cider. Perfect for the hot summer ahead @5seeds_au #ad’. The 5 Seeds brand team has since asked her to amend the copy back to the



agreed caption.

The influencer in this post is simply enjoying a moment in the great outdoors, which many researchers have argued is a healthy practice, having concluded that some level of sun exposure is beneficial to our wellbeing. A paper by Nair and Maseeh in 2012¹ even references studies that suggest people may need more vitamin D than presently recommended to prevent chronic disease.

On the basis that a small amount of sunlight may help people reach their recommended daily dose of Vitamin D, and Hannah is in no way endorsing her followers to go against the Prevailing Community Standards, the advertisement is in no form in breach of the Code.

THE DETERMINATION

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

The Panel noted the complainant’s concern that the advertisement depicted a woman on the beach without any visible sun protection.

The Panel reviewed the advertisement and noted the advertiser’s response.

The Panel 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 Panel noted the Instagram post was advertising 5 seeds cider and the photo on the post was accompanied by a caption which read “Girls just want to have sun”.

The Panel noted the complainant’s concern that the woman shown without any visible sun protection contradicts the sun safe message the Cancer Council promotes.

The Panel noted the advertiser’s response that the advertisement was a re-post from another account belonging to a social media influencer, and that “the use of the phrase, ‘Girls just wanna have sun’, is clearly intended to be a play on words from the famous Cindi Lauper song, ‘Girls just wanna have fun’, and refers to the influencer’s preference to enjoy a 5 Seeds cider while she takes a moment to enjoy her surroundings at the beach.”

The Panel considered that the length of the shadow in the advertisement indicated that the photo was taken during early morning or evening, the safest time to be in the sun. The Panel noted however that the advertisement provides no indication of how



long the woman has been in the sun or what level of protection may have been used.

The Panel noted the complaint's comment that the social media influencer has a large number of followers, and considered that those who follow her posts are an informed Instagram audience who would most likely be aware of the efforts required to set up such a photo.

The Panel noted that Instagram's requires users to verify that they are over 13 when signing up, and considered that the audience is predominately adults who are able to make educated conclusions about the content of posts.

The Panel considered that the concern raised by the complainant is an interpretation that is unlikely to be shared by most reasonable members of the community.

The Panel considered 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 Panel dismissed the complaints.

