



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0166/12
2	Advertiser	Unilever Australasia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	23/05/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behavior

DESCRIPTION OF THE ADVERTISEMENT

A woman drinks some Lipton Iced Tea and becomes almost transparent: she appears to be made from water and tea leaves. The woman gets on the back on a motor bike and we see her being driven by a man, both wearing helmets.

THE COMPLAINT

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

I object to the advertisement as the protagonists were wearing patently inadequate clothing for riding a motor scooter or motorcycle of any kind.

The advertisement minimises the risks of riding without proper safety clothing and the consequences of such dangerous behaviour as well as promoting needless risk-taking.

I might sound like an old fuddy-duddy but I pay an impost on my motorcycle 3rd party insurance to cover just such dangerous behaviour and the often tragic consequences.

THE ADVERTISER'S RESPONSE

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

Unilever takes matters of road safety very seriously and takes care to avoid any encouragement of unsafe road behaviour in our advertising.

In developing the advertisement, special attention was given to the Australian Road Rules Model Law document which is regularly updated by the National Road Transport Commission and adopted in each State and Territory under various legislation and regulations.

We note that the February 2008 edition of the Australian Road Rules was applicable at the time the advertisement was developed. Amendments were made to the Australian Road Rules in February 2012, although no substantial changes were made which affect the present matter.

The relevant sections of the Australian Road Rules are Sections 270 and 271.

Briefly, Section 270 requires that the rider and any passenger wear helmets on any motor bike that is moving or stationary but not parked.

Section 271 requires that the rider of the motor bike:

- sit astride the rider's seat facing forwards; and*
- ride with at least 1 hand on the handlebars; and*
- if the motor bike is moving — keep both feet on the footrests designed for use by the rider of the motor bike.*

Section 271 further requires that a passenger of the motor bike:

- sit astride the pillion seat facing forwards; and*
- keep both feet on the footrests designed for use by a pillion passenger on the motor bike.*

We note that there is no requirement under the Australian Road Rules which require the rider or passenger of a motor bike to wear any safety clothing or equipment beyond the requirement for a helmet.

Care has been taken to ensure that the people shown in the advertisement comply with the Australian Road Rules, in particular both Section 270 and Section 271.

We note that Section 2.6 of the AANA Code of Ethics refers to Prevailing Community Standards on health and safety. Given that road rules are in place for the purposes of road safety, we believe that the applicable Prevailing Community Standards for road safety should reflect the road rules which are in place under legislation.

Conclusion

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 complainant’s concern that the advertisement depicts a motorcycle passenger wearing insufficient protective clothing.

The Board reviewed 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 woman who takes on a transparent appearance after drinking Lipton Ice Tea and is then shown as the passenger on a motorcycle.

The Board noted that whilst the woman appears transparent and as though made of Lipton Ice Tea, she is shown to be wearing a helmet. The Board noted the advertiser’s response regarding compliance with the relevant road rules surrounding motorcycle use and considered that the woman is portrayed riding on the motorcycle in a manner which is consistent with the road rules and that this portrayal does not depict or condone behaviour which would be contrary to prevailing community standards.

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.