



Case Report

1	Case Number	0307/15
2	Advertiser	Airtrain Brisbane
3	Product	Travel
4	Type of Advertisement / media	Outdoor
5	Date of Determination	12/08/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The complaint is in respect to the panel advertisement located at Richmond Train Station featuring the words “WORRY ABOUT GETTING A SWEET TAN, NOT ABOUT GETTING TO THE GOLD COAST”. As per the standard brand and style guide, this copy is featured in white capitalised text with the words ‘sweet tan’ featured in orange text. The foot of the advertisement features a line similar to that seen on a train stop map, with the ‘stops’: ‘Brisbane Airport’, ‘City’, ‘Gold Coast’ and ‘No Worries’ and the airtrain.com.au logo included in that respective order from left to right.

THE COMPLAINT

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

As someone who developed a melanoma aged 25, and considering Australia has the highest incidence of melanoma in the world, I think this ad is thoughtless at best and dangerous at worst.

The desire for a tan has been part of the Australian culture since the mid-1900s, yet evidence has proven again and again that a tan is not safe. Ever. A "sick tan" is not a thing. We experience the highest levels of UV radiation in the world as well as the highest rate of skin cancer in the world, plus our health system spends more money on the diagnosis and

treatment of skin cancer than on any other cancer. Yet Australians still desire the appearance of tanned skin, especially younger people. Ads like this perpetuate this desire, and I was pretty disturbed to see an ad promoting tanning on my way to work this morning.

THE ADVERTISER'S RESPONSE

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

Airtrain respects the complainant's right to express their view but firmly denies that the advertisement depicts any material that is contrary to the prevailing community standards on health and safety, and therefore that the ad is not in breach of the Australian Association of National Advertisers Code of Ethics (AANA Code of Ethics). We also confirm that the ad does not breach any other sections of the AANA Code of Ethics and in particular any provisions under Section 2 of the AANA Code of Ethics.

The advertisement is clearly not intended to promote excessive sun exposure or any unhealthy conduct. The headline copy does not explicitly direct the public to go out and get a tan or otherwise engage in excessive sun exposure. It merely reflects a widely known understanding that tanning does occur in our society. It is extremely important to note upfront that the complainant has incorrectly quoted the ad within their complaint as "Don't worry about getting to the Gold Coast, only worry about your sick tan". The ad makes no reference to a 'sick tan' only a 'sweet tan'. Airtrain is not suggesting that the public stay out in the sun for long periods of time in order to obtain a 'sick' or 'unhealthy' tan which could result in skin cancer. In addition, Airtrain is not recommending that the public not implement safe practices in relation to sun exposure by proposing people not wear sunscreen or implement any other preventative measures to reduce exposure to harmful UV rays.

Furthermore, some level of sun exposure is indeed required for a healthy lifestyle. Scientific studies show that sun in moderation is necessary in the aid of Vitamin D production and improved mood. Since sun exposure can result in some level of tanning and may not be avoidable, a 'sweet' light tan as mentioned in the advertisement is arguably necessary for health and wellbeing and therefore not at all contrary to community health and safety standards. As stated above, Airtrain is not advising the public through the advertisement to expose themselves to such extreme levels of sun to result in sunburn or the development of a dark tan, which would undoubtedly increase the risks of skin cancer.

Finally, the complainant has specifically mentioned that she developed a melanoma at the age of 25. Airtrain though sensitive to the complainant's history is concerned that her past experience has skewed her judgment of the advertisement. If the advertisement was indeed contrary to the 'prevailing' community standards (i.e. most widely spread opinion) on health and safety it would be expected that multiple complaints would be received. However, in this instance the Advertising Standards Board has received one sole complaint, which suggests that the general public does not share the same loaded interpretation of the advertisement as the complainant or believe that the ad is contrary to their own standards on health and safety.

Final Comments

To reiterate, Airtrain is not attempting to promote tanning it simply aims to tap into the public's existing knowledge regarding the occurrence of tanning in warm holiday

destinations such as the Gold Coast. Furthermore, the sun is an important source of Vitamin D which is necessary for a healthy and wellbeing. Therefore, a 'sweet'/light tan is arguably unavoidable for a healthy lifestyle and therefore not in breach of the prevailing standards on health and safety. Further the complainant has misread the advertisement and incorrectly believed it said 'sick tan' rather than 'sweet tan' which probably also skewed her views against the advertisement based on her own medical history.

Ultimately, whilst we respect the complainant's right to express her concerns, Airtrain complies with the AANA Code of Ethics and therefore sees no reason to remove the advertisement in light of the isolated complaint received.

We trust that the above serves to clarify the issues raised by the complainant and assists the ASB to make a balanced assessment as to the Airtrain advertisement. However, please do not hesitate to contact me if you have any queries or require further information.

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 features an encouragement to get a 'tan' which is against Prevailing Community Standards on health and safety.

The Board viewed the advertisement and noted the advertiser's 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 poster advertisement contains the text, "Worry about getting a sweet tan, not getting to the Gold Coast". The Board noted the words, "Sweet tan" are in orange text whilst the remaining words are in white.

The Board noted the complainant had mis-read the advertisement to read, "sick tan" rather than "sweet tan" but considered that the complainant's issue regarding tanning remained the same.

The Board noted the advertisement is intended to promote the rail link between specific places in Queensland (the Airport, the City and the Cold Coast). The Board noted that the advertisement is designed to highlight the ease and convenience of the rail service and how it leaves the user time to 'worry' about other things (like getting a tan) rather than how they will travel between destinations.

The Board noted that this particular advertisement is part of a campaign that included other examples of things that can be 'worried' about such as "getting epic barrels." The Board noted that most members of the community would understand the slogans and the intended humour behind the slogans.

The Board considered the specific slogan "worry about getting a sweet tan, not getting to the Gold Coast" and noted that there was no imagery in the advertisement. The Board understood that there is genuine community concern regarding sun exposure and sun smart behaviour and noted that the use of the term "sweet" in this way was suggesting that a tan is a good thing. The Board noted that there is extensive information and reports from the Skin Cancer

Foundation available to the community regarding the practice of tanning and the possible outcomes of excessive, unprotected sun exposure particularly for the purpose of tanning. The Board considered that the advertisement was reinforcing the wrong message in relation to sun safety and tanning and considered that an encouragement to tan and promoting tanning in a positive way “sweet tan” is contrary to prevailing community standards on health and safety.

The Board noted the advertiser’s response that “sun exposure can result in some level of tanning that is unavoidable and that a ‘sweet’ light tan as mentioned is arguably necessary for health and well being...”

The Board noted that the general community understanding of ‘sweet’ is equivalent to good and that there is nothing to suggest that the advertisement is referring to a ‘light’ tan.

The Board determined that the advertisement did depict material contrary to prevailing community standards on health and safety and did breach Section 2.6 of the Code.

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

THE ADVERTISER'S RESPONSE TO DETERMINATION

As a result of the ASB determination, AirTrain Brisbane will end the campaign containing the headline “Worry about getting a sweet tan, not getting to the Gold Coast” between 6th and 13th September 2015. As a consequence all billboards and any other advertising containing this headline will be removed from around 12th September 2015 and AirTrain will not publish any further advertising containing this headline from that date. Please also note that as the advertising is contained in billboards they cannot easily be removed as media contracts are in place and the material can only be changed by co-ordinating with contractors to attend to these sites.