



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0314-20
2. Advertiser :	Chemist Warehouse
3. Product :	Health Products
4. Type of Advertisement/Media :	Billboard - Digital
5. Date of Determination	21-Oct-2020
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement depicts two women sitting on the boot of a convertible car with their feet on the rear seat. A man is in the driver's seat. Text states "Hayfever relief. Treat + prevent".

THE COMPLAINT

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

It is not safe to ride on the back of a vehicle like this with no obvious restraints and certainly illegal under the road rules if this was taking place in any location generally able to visited by the public.

THE ADVERTISER'S RESPONSE

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

Discrimination or vilification



We contend that the advertisement is neither discriminatory nor does it vilify any person or group of people.

Exploitative or degrading

We contend that the advertisement is neither exploitative nor degrading

Violence

We contend that the advertisement is not violent and the actions objected to are not excessively violent but are a simple parody of popular culture movies and video clips.

Sex, sexuality and nudity

We contend that the advertisement contains no overt sex, nudity or sexuality.

Language

We contend that the advertisement contains no offensive language

Health and Safety

We contend that the advertisement is consistent with societal norms in regards to health and safety and the position put by the complainant is without merit.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement depicts unsafe behaviour by showing two women sitting on the back of a vehicle as it moves.

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

The Panel considered whether the advertisement complied with 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 that safety around vehicles and safe driving is an important public safety issue.

The Panel noted that the two women are shown to be sitting on the rear of the vehicle with their feet placed in the backseat, and noted that they are not wearing seatbelts. The Panel also noted that the driver does not appear to be wearing a seatbelt, however noted that it is possible that he is wearing a lap seatbelt.

The Panel noted that the advertisement is displayed on a billboard and that the image is static. However, the Panel considered that it does appear that the vehicle is in



motion due to the blurred background, the way the women's shirts are blown out behind them, and the way one woman is holding her hat as if to stop it flying off.

The Panel considered that while the image may have been taken while the vehicle was stationary, the impression given by the image is that the vehicle is moving and the Panel considered that the depiction of the women sitting in such a manner would be illegal on all Australian roads.

The Panel noted that the image does not appear to be exaggerated or highly stylised, and considered that such behaviour could be imitated very easily.

The Panel determined that the advertisement depicted material contrary to prevailing community standards on health and safety and breached Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertisement has been removed.