



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0318/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Wrigley Co Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/07/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

A group of young adults are driving along a dirt track before encountering a coloured fruit storm. The group leave the car to interact with the fruit storm, with one of them being sucked up in to a 'whirlwind'. The commercial closes with the line: 'Starburst. A new full on flavour experience.'

### THE COMPLAINT

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

*People in the car in the front seat are not wearing seatbelts.*

### THE ADVERTISER'S RESPONSE

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

*The complaint lodged was in relation to Health and Safety within prevailing community standards. The reason for the complaint was that the front passengers were not wearing seatbelts while the car was in motion.*

*In producing this commercial both Wrigley, and their advertising agency, Clemenger BBDO Sydney, adhered to industry requirements and ensured all passengers in the car wore seatbelts.*

*Please find enclosed relevant screen images that show that both the front passenger and the rear passengers wore seat belts while in the car.*

*A full mpeg of the film is also enclosed for further reference.*

*We trust that the supplied explanation and reference materials are sufficient to allay the concerns raised in the above referenced complaint.*

## **THE DETERMINATION**

The Advertising Standards Board (the Board) considered whether the advertisement complied with the AANA Code of Ethics (the Code).

The Board noted the complainant's concerns that the advertisement shows people driving in a car and not wearing their seatbelts.

The Board carefully viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement complied with section 2.6 of the Code which requires that advertisements not depict material that is 'contrary to prevailing community standards on health and safety.'

The Board noted that in the opening scene, the main character of that scene is sitting in the back seat wearing a seatbelt, however upon close review the other two passengers shown are also wearing their seatbelts. The Board noted that advertisers should pay particular attention to ensure that scenes within motor vehicles should ensure that occupants of a vehicle are either seen to be wearing seatbelts or are clearly seated in a manner that is in accordance with safe driving practice and relevant health and safety standards. The Board considered that the advertisement depicted people wearing seat belts and determined that the advertisement did not breach section 2.6 of the Code.

The Board considered that the depiction of one of the characters being sucked up in to an orange whirlwind comprising of starbursts is not a depiction of material that would be contrary to prevailing community standards on health and safety as it is clearly an unrealistic depiction.

For these reasons the Board found that the advertisement does not breach section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.

