



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0318-20
2. Advertiser :	Nestlé
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	21-Oct-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement shows a couple sitting on the steps of a beach house drinking coffee. They watch an older man run towards the water with a skim board, trip, somersault and then land on the board in the water. He then comes to a wave and executes an impressive front-flip off the board, flying through the air and landing in the water where he stands waist deep. The advertisement ends with the older man joining the couple.

THE COMPLAINT

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

This is a dangerous thing to do. It is the equivalent of diving into shallow water, risking serious spinal injury or death. I think this ad is grossly irresponsible & encourages people, especially the young, to copy this as it looks like so much fun. This is the first time I have ever complained about an ad but I have a grandson who is impressionable as are many kids & teenagers. It makes it worse that it is a grown adult doing this so they would assume that it is a safe, fun thing to do.



THE ADVERTISER'S RESPONSE

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

I refer to your letter of 9 October 2020 regarding the complaint (the Complaint) received in relation to a television commercial for NESCAFÉ Blend 43 (Advertisement) currently on air. Thank you for the opportunity to comment on the issues raised in the Complaint.

1. Codes Considered

In considering the Complaint and our response, we have reviewed the Advertisement in the context of all of the Codes the Ad Standards Community Panel administers, including the AANA Code of Ethics (Code of Ethics) and the AANA Food & Beverages Code (Food Code). As raised by the complainant, we have given particular consideration to section 2.6 of the Code of Ethics which is set out below:

2.6: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."

We respond to the Complaint in detail below, however state from the outset that we consider the Advertisement complies in all respects with the Code of Ethics and Food Code.

2. The Advertisement

The Advertisement opens to a middle-aged man walking down the beach with a skimboard under his arm. We cut to a couple in their mid 30's sitting on their balcony looking out to the beach. The man hands the woman a red NESCAFÉ mug of coffee and she takes it saying, "Thanks". We see the woman watching the middle-aged man jogging towards the edge of the water to catch a wave with his skimboard and commenting, "Oooh Bold". The man is looking at his coffee after taking a sip commenting, "Mmm Bold". The skimboarder picks up his pace eager to get into the water and he trips, stumbling forward as the skimboard flies out of his hand. He somehow manages to correct himself in a forward roll on the beach before landing both feet on the skimboard gliding over the water towards a wave before pulling off an impressive frontflip into the water. The man on the balcony who has just witnessed this exclaims, "Whoa! Smooth!" We see the woman beside him looking at her coffee after taking a sip saying, "Mmm Smooth". The skimboarder looks back and notices the couple who have been watching and the couple holding their mugs put their thumbs up while smiling at the skimboarder. We see a close up of milk being poured into a cup of coffee which cuts into a bean sequence of two coffee beans colliding to form a heart shape. This transitions into the end frame showing an image of a NESCAFÉ Blend 43 jar sitting beside a steaming red NESCAFÉ mug full of coffee together with the tag line "THE PERFECT BLEND OF BOLD AND SMOOTH". This is shown whilst the voiceover states, "We've reinvented the way we roast our beans for the perfect blend of bold and smooth. NESCAFÉ Blend 43." The Advertisement closes with the skimboarder now enjoying a cup of coffee and a laugh with the couple.



3. Response

We assert that the Advertisement does not breach the Code of Ethics.

The Advertisement plays on the bold and smooth characteristics of NESCAFÉ Blend 43, with the contrast between bold robusta and smooth arabica beans each roasted separately and combined together to make this perfect coffee blend.

The bold characteristic is highlighted by the scene of a seemingly out of shape middle-aged man, with a determined look on his face, confidently jogging towards the waves whilst carrying a skimboard, a surf craft you would not expect a man of his appearance to be carrying.

Playing on the smooth characteristic, after the skimboarder trips and stumbles forward which makes the skimboard fly out of his hand unexpectedly, the middle-aged man corrects himself into a forward roll on the beach. He then gathers speed to plant both feet on the skimboard before gliding across the water towards a wave and pulling off an unintentional and impressive front flip into the water.

The Advertisement is not depicting an activity which is new, novel or dangerous. Skimboarding is an everyday Australian beach activity which is usually practiced on the shoreline. As skimboarding is generally conducted close to the shoreline, away from the often powerful and dangerous force of the ocean and over a relatively soft surface like sand, we suggest the sport carries less risk than other beach sports, such as surfing and bodysurfing.

After performing the jump in the Advertisement, the skimboarder is seen standing in waist deep water with no suggestion that he was harmed.

The skimboarding activity is clearly exaggerated as the seemingly out of shape adult skimboarder runs towards the water and skims across the surface on his skimboard, making it more humorous and over the top than realistic. As the depiction in the Advertisement is not realistic enough, we disagree with the assertion made by the complainant that is likely to encourage children to copy the activity.

We refer to Case Number 0249-20 where the Ad Standards Community Panel previously determined that an advertisement depicting an adult skateboarder riding without a helmet does not breach Community Standards on health and safety. The Community Panel considered that “the advertisement portrays an aspirational adult lifestyle and the slow relaxed feel of surfing and skateboarding is not a depiction that would be immediately attractive to children nor would it be interpreted as an encouragement for children to ride a skateboard without protective equipment”. Furthermore the Community Panel considered “that while riding a skateboard while holding a six pack of beer in glass bottles is not something that should be encouraged, most members of the community would not consider that an adult male shown to be fully in control of the skateboard and riding calmly would be a depiction that is considered to be against prevailing community standards of safety”.



The advertised coffee product is not a product directed at children, nor is the Advertisement directed at children. We consider the relevant and targeted mature audience for the Advertisement would appreciate the depiction of humorous and over the top skimboarding, which is exaggerated and fantastical in nature. We submit the community are familiar with this kind of depiction frequently used in advertising in a fun and positive way. We also refer to Case Number 0014/16, where the Ad Standards Board in determining that an advertisement did not depict material contrary to Prevailing Community Standards on health and safety “noted the overall theme of the advertisement and considered that the scenes are all fantastical and intended to represent unlikely, although not impossible, situations...”.

The Advertisement was given a CAD Rating of G and was placed in programming accordingly. Our advertising agency and our media buyers and planners were instructed that the relevant audience for this Advertisement is P18-54 and not to target children’s programming.

In light of the above, it is submitted that the Advertisement does not depict material contrary to prevailing community standards on health and safety and therefore the Advertisement does not breach Section 2.6 of the Code of Ethics.

4. Summary

We take the Complaint very seriously and acknowledge the importance of responsible marketing, however disagree with any assertion by the complainant that the Advertisement is in contravention of any of the matters set out in Section 2 of the Code of Ethics. On this basis we respectfully request that the Complaint be dismissed.

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 dangerous and unsafe behaviour and may encourage copycat behaviour.

The Panel viewed 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 that skimboarding is a popular activity which is usually conducted in shallow or smooth waters. The Panel considered that the advertisement is highly stylised and exaggerated, and appears obviously edited and to use a stunt double. The Panel considered that the actions of the man are clearly accidental, as he trips and then recovers well, then attempts a trick and lands awkwardly.



The Panel noted that it had previously considered the issue of exaggerated behaviour in case 0239/17 which featured a woman dancing with a trolley, in which:

“The majority of the Board however, considered that the exaggerated nature of the advertisement and the overall look and tone was clearly one of fantasy and was not considered to be realistic in any way. The Board noted that the woman was not shown to be thrilled or excited by her own actions but rather in a trance like state which lessened the impact of the stunts she was performing.

“The Board acknowledged the safety concerns about riding on trolleys but considered in this instance, the advertisement was highly stylised and was not encouraging or condoning this behaviour and did not depict material contrary to Prevailing Community Standards on health and safety and did not breach Section 2.6 of the Code.”

In this case, the Panel considered that an advertisement for coffee was unlikely to appeal to children and also considered that viewers would understand the unrealistic storyline and the obvious absurdity of the man’s actions, and that this advertisement was unlikely to lead to copy-cat behaviour, including by children.

In the Panel’s view the advertisement’s humorous and exaggerated scenario was not a depiction that would be contrary to prevailing community standards on health and safety. The Panel determined that the advertisement 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 complaint.