



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0346-20
2. Advertiser :	Youi
3. Product :	Insurance
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	25-Nov-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement has three versions:

A man packaging oysters.

A man and woman making soup.

A woman and man packaging dog treats.

THE COMPLAINT

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

The add is promoting poor health and failure of following food safety standards.

At this time of high infection rates this add is very disappointing and send a very poor message

THE ADVERTISER'S RESPONSE

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



The complaint referred to “a catering person was preparing and packing food for sale with bare hands and no hair cover”. Youi has three ads current running on Channel 9 on 19 October 2020 in which there is a person preparing food so we have provided all three descriptions below.

- 1. Tom packaging oysters for customers in a commercial kitchen*
- 2. Chan and her husband making Pho soup in the ‘pop up’ kitchen*
- 3. Peta and her partner packaging her dog treats to be shipped - please note this advertisement contains a disclaimer stating ‘Filmed on set. Not real manufacturing conditions.’*

Youi considers that the advertisement does not contain any material which discriminates against or vilifies a person or section of the community (s2.1), is exploitative or degrading (s2.2), contains violence (s2.3), contains sexual elements or nudity (s2.4), includes offensive language (s2.5), and it is clearly distinguishable as advertising (s2.7). Accordingly, Youi has not addressed these sections of the AANA Code of Ethics (Code).

The complaint relates solely to section 2.6 of the Code and so Youi has confined its response to that section.

Youi respectfully suggests that the complaint is not an accurate description of any of its advertisements currently on air. These ads were filmed in New South Wales, on a film set, and do not depict the ordinary premises and food-handling conditions of these small business owners.

Youi further notes that the NSW Health and Hygiene Requirements of Food Handlers under the Food Standards Code specifically notes that “the Food Standards Code does not require food handlers to use gloves” nor does it require the use of hair nets or hair covers. Youi was satisfied that the people in its advertisements would not offend prevailing community standards because:

- at all times they had thoroughly washed hands*
- the food used in the filming was not consumed nor distributed for consumption*
- the advertisement demonstrated food handling conditions in line with those used in the commercial kitchen of a restaurant and*
- the advertisement demonstrated food handling standards in compliance with the Food Standards Code.*

Youi submits that there is no basis for describing any of its advertisements as failing to meet health and safety standards nor prevailing community standards. Accordingly, Youi considers that section 2.6 of the Code is not offended by any of its material.

Youi trusts that the above adequately deals with the complaint, however, if you require additional information please let us know.



THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement is promoting poor health and failure to follow food standards which is disappointing and sends a poor message during this time of COVID19.

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

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

The Panel noted that there are three versions of this advertisement, all featuring people in a food preparation environment.

The Panel noted that due to the COVID19 pandemic there has been an increase in concern in the media and in the community regarding hygiene.

The Panel noted that food preparation regulations do not require the use of gloves. The Panel noted the NSW Food Authority website stating that there are no new direct food safety measures as a result of the novel coronavirus pandemic and recommending that workers maintain the already high level of hygiene expected by regularly washing their hands, cleaning and sanitising equipment and implementing social distancing.

The Panel considered that while current recommendations on hygiene measures during the COVID19 pandemic are important, the Panel has taken the view that a degree of regulatory pragmatism is needed when evaluating advertisements at this time. The Panel noted that there is no suggestion in the advertisement that hygiene measures are unimportant, or a depiction that trivialises the COVID19 pandemic. The people in all three versions of the advertisement are shown to be complying with health advice. The Panel considered the behaviour depicted is a portrayal of usual community behaviour and in normal (and COVID19) times is not contrary to prevailing community standards.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on health and determined that it did not breach Section 2.6 of the Code.

Conclusion



Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.