



## Case Report

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|----------|--------------------------------------|------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0355/12</b>         |
| <b>2</b> | <b>Advertiser</b>                    | <b>Sanofi Aventis</b>  |
| <b>3</b> | <b>Product</b>                       | <b>Health Products</b> |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>TV</b>              |
| <b>5</b> | <b>Date of Determination</b>         | <b>12/09/2012</b>      |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>       |

### ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

We can see a young woman diving off a 5 metres ledge into a river. We then see bottles of Nature's Own fish oil supplements on the riverbank. At the end of the advertisement we can see her swimming in the river and the male voice-over says "Nature's Own, What does your body want?".

### THE COMPLAINT

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

*The ad creates a very attractive imagery of bush peace and tranquillity the woman's good health and attractiveness. My concern is that it depicts a highly dangerous behaviour diving into the body of freshwater and diving from a moderate height. I believe that the ad's beguiling imagery will have the effect of encouraging and normalising this and also giving the impression that it is the most natural and safe thing to do. Unfortunately the reality is that below the water's surface is a moving feast of rocks branches and other snags shifting holes etc. and that every expert on the subject matter including everyone who works in emergency rescue or medicine and spinal medicine will concur against diving into bodies of water in which the surface below is likely to be treacherous and shifting. The sad statistics of death and severe injury and permanent disablement speak for themselves.*

### THE ADVERTISER'S RESPONSE

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

*We have considered the complaint and the advertisement in light of the provisions of the AANA Code of Ethics (“Code”). We note that the nature of the complaint relates to Section 2.6 of the Code (Health and Safety – Unsafe behaviour) and specifically to the concern that the advertisement in question contains imagery that is alleged to condone or encourage unsafe diving practices. We note that the actual dive shown in the ad was performed by a trained stunt diver and all possible safety measures (including beforehand inspections) were taken to ensure it was safe to dive. We note the manner in which the dive is portrayed is highly stylized. Sanofi being a healthcare company, we believe that this advertisement does not condone or encourage any kind of reckless or dangerous behaviour but rather draw parallels in the viewer’s mind between the benefits in terms of well-being of enjoying outdoor activities and taking Nature’s Own vitamins or fish oil supplements. We finally note that the advertisement received a “G” rating from CAD. Accordingly, we submit that the advertisement does not breach Provision 2.6, or any other provision of the Code. For the reasons above, we respectfully request that the complaint be dismissed.*

## **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 concerns that the advertisement depicts a woman diving in fresh water and that this is dangerous behaviour.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of 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 the advertisement features a woman diving off a ledge in to a river.

The Board noted that the woman in the advertisement is portrayed as a competent diver and that she is shown emerging from the water after her dive. The Board noted the complainant’s concerns regarding the dangers of diving in to water without knowing what is beneath the surface and considered that whilst this is a relevant concern, in the Board’s view there was nothing in the advertisement to suggest that the area had not been thoroughly assessed prior to the woman diving in to the water. The Board noted that the advertisement itself had been highly stylised giving the impression that the dive may appear more risky than it actually was.

The Board considered that the advertisement did not depict or encourage dangerous

behaviour.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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