



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0372-19
2. Advertiser :	TATA Global Beverages
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	13-Nov-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement begins with a montage of a model striking poses in the ocean. The camera cuts in-between frames at an abrupt speed, showing the model from different angles as she plays around in the water. We pull out to a mid-frame that shows a man with a boom mic as Celia Pacquola comes on to the set from the left side of the frame. Celia walks up to the model and states "I think you might be doing swimming wrong"(delivered to the model). "Just like Aussies are doing hydration wrong" (delivered to the camera).

She continues "Almost 80% of Australian are dehydrated. We should be drinking more water, but water..." Celia shrugs as she repeats the word 'water', she means that water is super boring. Upon hearing the facts on dehydration, the model bends down and scoops the ocean water as if she is about to drink it. Celia states "Not that water".

The model jumps back up to where Celia is standing. Celia is handed off frame left a bright pink Cold Infusion and passes it on to the model, stating "If you're thirst-tea, try this". The model accepts the drink, pivots, and takes a long classic sip. Celia states "Tetley Cold Infusions. Bye-Bye boring H2O". The scene changes to Celia and the model standing side by side along the shoreline and Celia states "Hello hydration!".

The scene cuts to what appears to be an end frame. The 'Thirst Tea?' tag line is big and blue whilst the refreshing looking cold infusions are below. Celia places the red



bottle into frame behind the Cold Infusions. The 'Thirst Tea?' tag line flips around to reveal the 'Tetley Since 1837' logo and the 'Cold Infusions' blue badge. The 'Full of Feelgood' badge appears on the bottom left of the frame. Celia states "Available in a range of delicious flavors with no added caffeine or sugar".

The scene cuts to a frame of Celia and the model relaxing on beach-chairs with the Cold Infusion range placed on a table between them.

Celia: You're what I look like in my head

The Model: Really?

Celia: Nah.

The model bursts into laughter whilst Celia takes a sip of the Tetley Cold Infusions.

T&C Copy throughout:

Feeling thirsty is a symptom of dehydration. 79% of 1000 respondents surveyed answered 'yes' to feeling thirsty throughout the day. Enjoy as part of a varied and balanced diet.

THE COMPLAINT

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

Both tetley tea ads have a female comedian and a female model. The ad makes me uncomfortable for the female model, because she is treated like she is an absolute idiot. The first ad the female comedian says we need to drink more water, so the model goes to scoop up some sea water. The comedian then says condescending not that water. Make it seem that she is a model so she has to be dumb. I change channels when it comes on TV.

Tetley Tea ad - advertising TEA and you have a scantily dressed female in bathers advertising the product!!!

The ad is derogatory towards women and their intelligence. The model is made to look like a daft idiot who thinks they can drink ocean water while the comedian (made to seem unattractive) is self deprecating comparing herself to the model.

What are we teaching our children with this portraying the idea that all you're worth is your beauty but beautiful people are probably stupid?

It also has nothing to do with the tea?! We shouldn't be allowing businesses to insult and objectify women in order to sell their goods.

THE ADVERTISER'S RESPONSE

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



This is in response to your letter dated 30 October, 2019, regarding a complaint on the recent Tetley Cold Infusions TV advertisement.

Description of the Ad:

This advertisement launches Tetley's new range of Cold Infusions. The commercial starts with a photoshoot of a model/social media influencer being photographed in the sea. This scene is then interrupted by comedian, actress and Tetley brand ambassador, Celia Pacquola, who makes the point that Australians are doing hydration wrong. Based on research showing that almost 80% of Australians are dehydrated, Pacquola explains, with humour, that Australians should be drinking more water, but there is an alternative for consumers who find drinking plain water boring. As the two women interact in the surf and the model tastes the new Tetley product, Celia explains that Tetley's Cold Infusion range means consumers can say 'Bye, bye to boring H2O, hello to hydration'. After a close-up product shot, the two women again are shown interacting in a more personal and offscreen way, sharing a spontaneous joke.

Comments in response to complaint:

As requested, we have responded to all aspects of the AANA Code of Ethics, Section 2. The complaint received relates to 2.1.

2.1

Targeting 25 to 54 years-old women, the TVC draws on the growing trend of social media influencers and models. The vast majority of these influencers are younger women talking to other women, who are paid to upload posts encouraging their followers to drink a range of different 'healthy' drinks. The success of these influencer posts is often due to followers purchasing and consuming this tea in blind faith, simply because an influencer/model/celebrity has encouraged them to do so.

The TVC, which is based on proprietary research that shows almost eight in ten Aussies are dehydrated, has at its heart an educational message, while illustrating there is an alternative to 'boring H2O'. And rather than simply following the direct instructions of an influencer or a social media trend without hesitation and consuming something less beneficial, simply drinking water is the key to hydration and Cold Infusions is a motivator to assist this.

The TVC uses humour to engage the audience in our message, poking gentle fun at typical beverage advertising which uses influencers/models to advertise 'health' products. Based on the research, Pacquola says: 'We should be drinking more water. But water!', signalling that water can be boring, tasteless and even unpleasant to drink for some people. The model/influencer then bends down as if to attempt to drink sea water, before Pacquola says 'Not that water'.

In creating this humorous moment, we were sure that the vast majority of viewers would recognise the act by the model as ludicrously 'over the top' and therefore simply a funny gag to draw their attention and interest in our message. After all, everyone knows you can't drink salt water. The two actors continuing to interact in a positive



way, with Celia handing the model a drink and chatting personably with her. And at the very end of the TVC, they share an (unscripted) light-hearted moment together, apparently off camera.

We purposely chose as our brand ambassador Celia Pacquola, who is known for a dry, sarcastic and self-deprecating brand of humour. As such, her response to the model regarding the salt water is very much in character. I also want to point out that in the last segment of the TVC, Celia turns that humour on herself, laughing spontaneously and sincerely with the model at the joke she has just made about (not) looking like the model/influencer. So Celia is not singling out the model for vilification.

Given both characters are women, and they are clearly enjoying each other's company all the way through the ad, I find it hard to explain further why this does not represent discrimination of gender. While the model represents the majority of beverage ads and Celia, a voice of reason to promote hydration -- the two form a bond during the ad and come to unite in their enjoyment of the Infusions range. They are simply women interacting in a lighthearted way and in fact accepting each other's differences and demographics.

As requested, below we have addressed the other parts of Section 2 of the AANA Code of Ethics:

2.2

The commercial is not exploitative or degrading.

2.3

There is no violence depicted in the TVC.

2.4

The TVC takes place ostensibly in a beach/sea environment and the two women featured are dressed appropriately for that environment.

As defined by Section 2 of AANA's Consumer Complaints Code of Ethics, 2.4 states that "Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.". The TVC is located in a beach setting, and includes both women, a model and a comedian, walking through and around water and sand. A swimsuit is considered to be an acceptable form of attire for a beach setting. As such, they have been dressed in an appropriate manner for these activities, with the model in a black and white, JETs one-piece swimsuit, and the comedian in a pair of denim shorts, at-shirt and an open-buttoned shirt as a top layer. At no point is there nudity or a reference to sex, or sexuality throughout the TVC.

The model's swimsuit was carefully selected to not be revealing or inappropriate for any age audience, hence why a one-piece was chosen over a bikini or otherwise. The swimsuit does not show any cleavage, nor is it cut high on the leg we would argue it is at the conservative end of swimsuits typically worn in Australia. The swimsuit itself is



available from major department stores and is from well-known swimwear brand, Jets. No modifications were made, and at no time during the TVC is it being worn in an inappropriate location or in an inappropriate way.

In reference to the comedian, Celia Pacquola, being "made to seem unattractive", this is merely an opinion and should not hold weight as a legitimate complaint about the TVC. In fact, we were at pains to ensure Celia, a well-known personality, looks on the ad like she looks in other shows she appears in. She was also given total choice over everything she wore in the TVC- she personally selected clothing she was comfortable and happy in. Our focus on was ensuring consumers recognised Celia and on sending the message that Tetley wants to keep Australians hydrated with Cold Infusions, not on Celia's outfit.

2.5

No strong or obscene language is used in the TVC.

2.6

There are no violations of the prevailing community standards for health and safety depicted in the ad.

2.7

The advertisement ran on free to air television during commercial breaks, so is clearly identifiable as a commercial message.

I trust the above information is sufficient to reassure the Advertising Standards that the Tetley Cold Infuse advertisement fully meets the AANA Code of Ethics. Please feel free to contact me should you require further clarification.

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 complainants' concerns that:

- The advertisement suggests that the female model is dumb and treats her like an idiot
- Is derogatory towards women and their intelligence
- Insults and objectifies women in order to sell tea
- Features a scantily dressed female in bathers

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

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'



The Panel noted the Practice Note to Section 2.1 provides the following definitions:

“Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.”

The Panel noted the complainant’s concern that the advertisement is sexist and depicted the model as dumb.

The Panel noted the advertiser’s response that the model is representative of traditional beverage advertising and the humorous interaction between the model and the comedian is intended to show how the advertised product is different from other beverages.

The Panel noted the scene where the model is shown as though about to drink sea water, and considered that this was in the context of the model trying to promote the beverage in an over-the-top and exaggerated manner by trying to physically represent what the comedian was saying. The Panel considered that the model was shown to be professional, engaged and an active part of the advertisement and was not depicted in a way which suggests that she is not intelligent, or that females in general are not intelligent.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and determined that the advertisement did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or Marketing Communication shall not employ sexual appeal... in a manner which is exploitative or degrading of any individual or group of people.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that some members of the community would consider the use of women in swimwear to promote a beverage to use sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.



The Panel considered that both women in the advertisement were wearing swimwear appropriate to the context and there was no focus on the women's body parts. The Panel considered that the women were portrayed as active and engaged in promoting the product and they were not depicted as objects or commodities.

The Panel considered that the advertisement did not use sexual appeal in a manner which was exploitative of the women.

The Panel then considered whether the advertisement used sexual appeal in a manner that was degrading of an individual or group of people.

The Panel considered that both women were portrayed as professional and engaged in promoting the product and were not portrayed in a way which lowered them in character or quality.

The Panel considered that the depiction of the model did not use sexual appeal in a manner that was degrading of the model.

The Panel determined that the advertisement did not employ sexual appeal in an exploitative or degrading manner and therefore did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted that this television advertisement had been given a W rating by ClearAds meaning that the advertisement "may be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in G programs principally directed to children".

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the advertisement did not contain sexually stimulating or suggestive behaviour and did not contain sex.

The Panel considered whether the advertisement depicted sexuality.

The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; the state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express



sexual desire; the recognition or emphasising of sexual matters.’ The Panel noted that for the application of the term in the Code, the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that there was no sexualised poses or themes in the advertisement and that the advertisement did not emphasise sexual matters. The Panel considered the advertisement did not contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered that both women were appropriately clothed in one-piece swimsuits which fully covered their breasts and genitals. The Panel considered that the advertisement did not contain nudity.

The Panel considered that the advertisement did not contain sex, sexuality and nudity and did not breach Section 2.4 of the Code.

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