



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0375-20
2. Advertiser :	Ramada Philip Island
3. Product :	Travel
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	16-Dec-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.7 Distinguishable advertising

DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement contains 8 photographs and the text "A beautiful weekend away at the @ramadaphillipisland exploring all there is to see at @phillipisland [emoji] So lovely to be able to travel within our state now and support our local tourism economy. Big thank you to the Ramada for hosting is [emoji] Feeling pretty spoilt to get to experience the island like we did. But cannot wait to see it back go it's full capacity to help these business get back on their feet! If you are regional, I absolutely cannot recommend heading down as soon as you can!! And to my metro friends, defs add this one to the list when the time comes ?? The lovely team at the @ramadaphillipisland @wyndham_holidays have also given me a discount code for 15% off bookings (valid up to 2021) with code OLIVIA15 [emoji] The resort is perfect for families, with dozens of amenities and activities within the resort and only a short walk to Cowes!! [emoji] I have also popped a link in my highlights to book as well as all our suggestions for eats, shopping and activities [emoji] Who has been to the penguins as a kid?!

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:



Advertising on social media should be clearly labelled as such so that people know exactly what they are seeing and can make informed choices about products/brands etc. It is incredibly deceitful to push your audience into spending money to "support the local economy" when you are in fact not doing so yourself because your holiday was free/you are being paid to be there.

How can consumers trust influencers and brands that aren't honest? I want to know when I am being advertised to or sold something, I want to feel confident that reviews are honest and accurate and unbiased.

Olivia displayed typical behaviour of an influencer advertising something: large amounts of Instagram stories (videos) with very detailed information, high praise, tagging the Ramada and Phillip Island in every story and post as well as tagging every experience (go karts, penguins etc) and cafe/restaurant, and has a discount code for her followers to use. This all indicates that this trip was a paid ad/free accommodation and expenses paid for the influencer to sell to her following. When I asked if the holiday was an ad or sponsored, I was blocked.

This influencer never discloses her sponsorships, gifts, or ads properly. For the average user it would be difficult to tell what is genuine support of a product or brand vs what Olivia is being paid to sell to her followers. Attached are screenshots of her post with the discount code. I have obscured the child's face out of respect for their privacy.

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

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 Instagram post does not disclose that it is an advertisement.

The Panel viewed the advertisement and noted the advertiser did not respond.

Section 2.7: Advertising or Marketing Communication shall be clearly distinguishable as such to the relevant audience.

Is the material advertising?

The Panel noted that it must consider two matters:



- Does the material constitute an ‘advertising or marketing communication’, and if so
- Is the advertising material clearly distinguishable as such to the relevant audience?

Does the material constitute an ‘advertising or marketing communication’?

The Panel noted the definition of advertising in the Code: “any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer,

- over which the advertiser or marketer has a reasonable degree of control, and
- that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct”.

The Panel considered that the clear placement of the product in the advertisement and the offer of a discount code did amount to material which would draw the attention of the public in a manner designed to promote the brand.

With regards to whether the advertiser or marketer has a reasonable degree of control, the Panel noted that the advertiser had not provided a response to the case. The Panel therefore was unable to confirm whether the advertiser had arranged for the Instagram post. However, the Panel proceeded on the presumption that the Instagram post was authorised by the advertiser, on the basis that Olivia White is a well-known influencer who would be likely to post such material in a commercial arrangement, including for example the discount code.

Is the material clearly distinguishable as such to the relevant audience?

The Panel noted that there is no requirement under the Code for advertisements to include hashtags (such as #ad or #spon) to identify the content as advertising material.

The Panel noted that the Olivia White account has over 150,000 followers on Instagram, and considered that she is a recognised influencer. The Panel considered that followers of the Olivia White account would recognise that as an influencer many of her posts and stories would be sponsored content.

The Panel considered that the clear focus of this Instagram post was the Ramada Philip Island, with the influencer sharing photos of the resort facilities and detailing the excellent service provided. The Panel noted that the resort and its parent company is tagged, and that they had apparently provided Ms. White with a discount code for her followers.

The Panel considered that the inclusion of several brand tags and the inclusion of the discount code at the end would make it clear to the relevant audience of Olivia White’s followers that this was sponsored content.

2.7 conclusion



In the Panel's view the advertisement was clearly distinguishable as such to the relevant audience and did not breach Section 2.7 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.