



Case Report

1	Case Number	0488/15
2	Advertiser	Anchor Wetsuits
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	20/01/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on three men arriving by car at a lake. They are towing a boat and we see two of the men donning wetsuits and then tying the wetsuit belonging to the third man to the boat in place of a tow rope. We then see the men performing stunts whilst water skiing, including somersaults and skiing across the jetty.

THE COMPLAINT

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

The particular advert for Anchor wetsuits is in my opinion irresponsible for the following reasons

- 1/ it totally disregards the legal speed limit of 5 knots within the area of a boat ramp and jetty.*
 - 2/ It depicts irresponsible activities which could encourage others to also act in this manner by wakeboarding along the boat pontoon*
 - 3/ whilst depicting the strength of the wetsuits it shows one being used as a tow behind a boat*
- I feel these actions do not show a responsible behaviour to other water users*

THE ADVERTISER'S RESPONSE

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

1. this Tv ad has been on tv now for 3 years this is the last year it was to be on

2.: The ramp and jetty that was used was during winter, and also we had the river closed while doing this wakeboard trick

3.The wetsuit being used as a tow rope is just a special effect you wouldn't use a wetsuit for towing as it would stretch to much

I have only ever had compliments on this tv ad never heard of anyone trying to copy it as it is obviously special effects

WE have a strong belief that the person who is complaining is one of our opposition who is upset that we do a wetsuit sale in their area once a year

We have been in business for 50 years in the Watersports trade and have never condoned unsafe behaviour our company was instrumental in bringing in laws to improve safety not including inventing designing and manufacturing products to keep you safe in the water.

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 concern that the advertisement depicts wakeboarding in an irresponsible and unsafe manner.

The Board noted the complainant’s concern that the boat in the advertisement is not adhering to the legal speed limit and considered that issues of legality do not fall under the Code.

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

The Board 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 Board noted that this television advertisement depicts three men demonstrating the advertiser’s wetsuits by using one of them as a tow rope and wearing the other two to participate in wakeboarding.

The Board noted the complainant’s concern that the scene showing a man wakeboarding along a jetty is irresponsible and could encourage copycat behaviour.

The Board noted the overall tone of the advertisement and considered that the actions of the man wakeboarding are clearly exaggerated and not intended to be copied by the viewer. The Board noted that in one scene the wakeboarder comes out of the water to glide along a structure and considered it is not overly clear what this structure is but in the absence of any pedestrians or obstacles this scene is not suggestive of any imminent danger to members of the community. The Board noted that the wakeboarder is clearly experienced and considered that his actions in the advertisement are in the context of promoting the product in a fantastical manner rather than condoning or encouraging copycat behaviour.

The Board noted the complainant's concern that a wetsuit is used in place of a tow rope which is also irresponsible. The Board noted the advertiser's response that used special effects to imply that a wetsuit was used as a tow rope.

The Board noted that whilst it is not clear to the average viewer that the wetsuit has been digitally added to the footage, in the Board's view wakeboarders and boat operators would be aware that using a wetsuit in place of a tow rope is not advisable. The Board noted that the wakeboarder appears to be in full control of his actions throughout the advertisement and considered that overall the advertisement does not encourage or condone unsafe behaviour but rather is a clear attempt to show in an exaggerated manner the strength of the advertised product.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board 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 Board dismissed the complaint.