



CASE REPORT

1. Complaint reference number	340/05
2. Advertiser	Dairy Farmers (Dare Iced Coffee)
3. Product	Food & beverages
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 13 December 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

In this television advertisement a waiter takes four plastic bottles of Dare Iced Coffee from a fridge, and notes that the order is for a table of four located on the other side of a track with dirt bikes racing between him and the customers. The waiter crosses the track calmly, avoiding the speeding bikes as the customers look on. While serving the drinks, the waiter keeps ducking as the bikes jump over his head. The last bike lands on the table and smashes it. The voiceover states: “*Dare Iced Coffee. The real coffee taste for the daring*”.

THE COMPLAINT

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

“Isn’t it illegal to cross the racetrack while the race is on? It’s a matter of safety, isn’t it? And what’s the point of those motorcycles deviating from the track to jump over something?”

THE ADVERTISER’S RESPONSE

“The situation depicted is clearly designed as fantasy and does not depict an everyday community environment... (using) clever special effects stunts... to create the illusion that the waiter is walking through bikes in motion.”

“Dairy Farmers believe that the advertisement is presented in a manner which is clearly fantasized, dramatised, engaging and light-hearted. There is no intent to depict material or behaviour contrary to prevailing community standards on health and safety.”

THE DETERMINATION

The Advertising Standards Board (‘the Board’) considered whether this advertisement breached Section 2 of the Advertiser Code of Ethics (the Code).

The Board noted that the scenes depicted in this advertisement used fantasy to create a heightened sense of drama and danger. The Board considered that the majority of viewers would understand the use of fantasy and that the majority would not be encouraged nor, in fact, be given the opportunity to participate in such behaviour.

The Board considered that the advertisement did not breach the provisions of the Code relating to health and safety.

Further finding that the advertisement did not breach the provisions of the Code on any other grounds, the Board dismissed the complaint.