



## CASE REPORT

1. Complaint reference number	429/07
2. Advertiser	Unilever Australasia (Lipton Iced Tea - Red)
3. Product	Food & Beverages
4. Type of advertisement	Cinema
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 16 January 2008
7. DETERMINATION	Upheld – discontinued or modified

## DESCRIPTION OF THE ADVERTISEMENT

This cinema advertisement begins with the opening of a bottle and a voiceover explaining that it is "New Lipton Red iced Tea, made with Rooibos from deep in the heart of South Africa" and a scene inside the bottle's neck of a sunset on African plains. Scenes are shown of skateboarding, surf, and a stadium crowd doing the Mexican Wave and a man in the crowd drinks a bottle of the tea. A young boy is seen breakdancing and then downing a bottle of the tea as it's described as "naturally full of life, contains antioxidants, with a splash of wild herbs and guarana." A waterfall is then seen. The following images are of young people beside a lake. It is clear that on the far side of the lake there is a large drop from the edge of the lake into the water. The advertisement then shows young people at the edge of the lake, jumping over the edge, presumably into the water. It appears that the people jump from a height into the water which is an indeterminate depth, as a voice concludes "Feel the power of the Leaf. Lipton Tea can do that."

## THE COMPLAINT

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

*The penultimate scene showed a group of late teens/early twenties people drinking the iced tea then leaping off a bank into a river or lake. Given that Australia has spent a lot of time and money educating children and teenagers that they should NOT jump into rivers and lakes in this fashion in order to avoid horrific injuries and deaths, I find it offensive that Lipton's ad encouraged this behaviour and presented it in a positive light. I would like to see Lipton's remove that scene from the ad in the interests of public safety and to demonstrate respect to their customers and the wider community.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*The Advertisement which is the subject of this complaint, shows the "story" of our new Lipton Red Iced Tea. The product is aimed at a young adult audience, hence the Advertisement is intended to show young people enjoying the products and having fun in a lively and enthusiastic manner, endorsing happy healthy outdoor activities including skateboarding, leading a Mexican wave at a sporting event, dancing, and finally swimming in a natural lake / swimming hole. Between these shots are scenes of the South African scenery as this is the origin of Rooibos or "Red Tea" which is the characterising ingredient of the product.*

*The scene which has been queried by the complainant is that of the group of young adults entering and swimming in a natural swimming hole. The body of water itself appears as a large swimming hole with no dangerous objects to be seen. We note the group have entered the water feet first rather than diving - as is recommended by governmental agencies when unsure of submerged*

*objects, and the body of water as shown as the group are entering the water.*

*The advertisement, and Unilever Australasia, neither promote nor condone unsafe acts in, and around water, and in our view the advertisement is not in breach of the AANA Advertising Code of Ethics for the following reasons:*

*1) The advice of governmental authorities in relation to water safety does not prohibit or advise against any of the practices depicted in the Advertisement eg jumping into a body of water and/or swimming, rather advise of safe ways to enjoy the water and engage in these activities.*

*2) While Unilever accepts that the portrayal of unsafe situations and practices is inappropriate, and we understand that people may participate in these activities without taking the appropriate precautions, it is our belief that the group shown in the Advertisement are shown engaging in these activities in a manner which is safe, reasonable and consistent with the prevailing community standards in relation to water safety.*

*3) The Advertisement is not inconsistent with the advice of authorities in relation to water safety, specifically that (a) the body of water is not shown to be fast moving or unsafe in any way (b) the group of people are not swimming alone, and even have someone watching their activities from the bank of the water (c) they enter the water feet first and (d) they are not consuming alcohol or participating in any action which may work to impair their ability to assess a situation.*

*4) The people depicted are responsible adults, and can be taken to have assessed all risks before entering the water to ensure it is safe to do so. The swimming hole appears to be an established swimming place, and the group all have swim suits and wet hair appearing to have previously been swimming. There is nothing to suggest they are unsure of the depth of the water prior to entering.*

*5) The advertisement does not encourage persons to engage in such activities as shown in an unsafe manner or in a manner which is not in line with the advice of Governmental authorities. As such, there can be no way the Advertisement could be seen as an endorsement or encouragement to participate in unsafe water safety practices.*

*For these reasons we respectfully submit that the advertisement is not in breach of section 2 of the AANA Advertiser Code of Ethics, and the scene which shows the group engaging in water activities, is not inconsistent with the safety messages put out by the community and relevant governmental authorities and justifiable in the context of the advertisement. We ask that the complaints should not be upheld.*

## **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 depicted people jumping into water unsafely. The Board noted that it had previously considered advertisements depicting scenes of people around and jumping into water. The Board noted in particular advertisement 231/06 *Kellogg's Sustain*. Its determination in that case report that:

*'...the community is trying to prevent – swinging off ropes into streams, rivers or other bodies of water. The Board accepted that this behaviour is of concern in the community. The Board noted the advertiser's response and accepted the advertiser's advice that the depictions of people swinging into the water are consistent with advice given by one of the relevant safety authorities about how such activity can be conducted with relative safety. The Board also noted that the advertiser, in advance of the Board's consideration of the complaint, has modified the advertisement to include a safety message. On the basis that the activity portrayed in the advertisement is consistent with safety messages put out by the community and relevant Government bodies, the Board found that the advertisement did not breach the Code on any grounds and dismissed the complaint.'*

The Board viewed the advertisement several times. The Board considered that the image of the young people jumping into the water was not clearly safe. The advertisement suggested that the jump was or could have been from a relatively high height and there was no indication that the water was not deep - in fact the images immediately before the scenes of the people jumping were suggestive of deep water or at least of jumping from a significant height. Although the people were depicted jumping from the edge feet first, the Board considered that the advertisement did not depict behaviour around a

natural body of water that would be considered safe by the community. The Board determined that the advertisement depicted material that was contrary to prevailing community standards on safe behaviour around water and that it therefore breached Section 2.6 of the Code.

On this basis the Board determined that the advertisement breached Section 2.6 of the Code and upheld the complaints.

#### **ADVERTISER'S RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*We respect the Board's decision about the LIT Red TVC and have decided to withdraw this execution from our campaign.*