



## CASE REPORT

1. Complaint reference number	52/10
2. Advertiser	Energizer (Banana Boat Sunscreen)
3. Product	Health Products
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 10 March 2010
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows children playing soccer, a child playing on the beach, a woman lounging in a chair at the beach, and a couple walking arm in arm along the beach. After the child applies the sun cream there is a depiction of a man holding an umbrella over the child. The man is then depicted holding the umbrella over each person. Accompanying voice over is 'There is no better sunscreen protection than Banana Boat. Our proven formula offers you protection; Now, against sunburn, Later against long term skin damage, So you can be outdoors longer worry-free. Banana Boat, tested in the Australian Sun.' Always read the label, use only as directed'

## THE COMPLAINT

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

*While the cancer council works hard to portray the dangers of the sun, this ad is basically saying that you can stay out as long as you like with this cream on.*

*This is giving people a false sense of security and downplaying the dangers of the sun.*

*This is not a safe sun message and is misleading the ill informed.*

## THE ADVERTISER'S RESPONSE

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

*As no doubt you are aware all Media, TV, Radio, print etc that airs in Australia is subject to an ASMI approval process that strictly regulates any claims in relation to sunscreens and the regulatory environment presided over by the TGA that the sunscreen industry operates under.*

*The complaint states 'you can stay out in the sun longer' – however we assume the consumer has misinterpreted the statement – ....'so you can stay outdoors longer worry free'.*

*The full statement relates to the proven (Tested and listed with the TGA) formulations - offering protection 'now' in relation to UVB rays (as depicted in the visual scene) and the burn that becomes evident from UVB exposure in the short term. The reference to protection 'later' in relation to UVA rays (as depicted in the visual scene) and the damage that is evident from exposure to UVA rays in the long term, later in life.*

*The reference to staying outdoors 'Longer' worry free is based on the fact that Banana Boat formulations, by offering protection against the broad spectrum of UV rays, by preventing both the short term and long term effects of the sun, it allows you to spend your time outdoors worry free,*

*confident that you are protected.*

*It does not state 'you can stay out in the sun longer' as per the complaint potentially as it assumes the ad was only seen once, the consumer may have misinterpreted or misheard the statement?*

*Banana Boat formulations offer the maximum claimable protection in both SPF level and water resistance level, again by this fact the reference to worry free for longer, can be supported by the highest SPF and longer water resistance than other brands on the market.*

*There is no reference to staying out in the sun as long as you like – We include the mandatory 'Always read the label – use only as directed' statement in the ad, which clearly stipulate the maximum SPF and water resistance levels and go's as far as stating in the directions that frequent reapplication is recommended and that reapplication should take place after towel drying or excessive perspiration.*

*Thank you for the opportunity to respond to the complaint*

## **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 breaches health and safety by suggesting that people stay in the sun longer.

The Board viewed the advertisement and considered that that message of the advertisement is clearly to take care in the sun and use appropriate sunscreen protection. The Board considered that the advertisement suggested that people could stay out in the sun longer but only if using the product - sunscreen. The Board considered that the advertisement did not depict or suggest any inappropriate sun behaviour and 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.