

## Case Report

1. Case Number :	0116-24
2. Advertiser :	Visit Victoria
3. Product :	Tourist Attractions
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	15-May-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features two people on the beach beside the 12 Apostles in Victoria, and they appear to be soaking wet while they are running towards the rocks.



### THE COMPLAINT

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

*Suggests people unsafely swimming at a Victoria beach*

## THE ADVERTISER'S RESPONSE

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

*We refer to the complaint (case reference number 0116-24) made against Visit Victoria which was received from Ad Standards on 29 April 2024.*

*Visit Victoria is committed to ensuring that its advertisements are compliant with the AANA Code of Ethics (the "Code") and we will be happy to provide any information necessary to Ad Standards to assist in this inquiry.*

*After a review of the viewer complaint and the Code sections that your letter referenced, it is Visit Victoria's position that the Ad does not violate the Code section raised in the complaint. The Ad's content has been reviewed and provided with a 'G' CAD rating.*

*Additionally, Visit Victoria secured a permit from Parks Victoria to ensure safe practices were adopted and followed. This permit factors in the nature of filming and relevant safety aspects.*

### *Description of Advertisement*

*Visit Victoria launched a new brand campaign in January 2024. The 'Every bit different' campaign aims to showcase the compact diversity and breadth of experiences in Melbourne and regional Victoria through different stories or 'bits'. The executions that comprise the campaign suite feature Melbourne's fine dining, live music, hiking in the Grampians, Melbourne's coffee, regional art galleries and Victoria's iconic Twelve Apostles.*

*The advertisement that has been brought before the Ad Standards Community Panel is the Twelve Apostles execution.*

*The advertisement opens on stormy weather and the implication of lightning and rain. A fully clothed couple have been enjoying a picnic at the beach, when they are caught short by the weather. They hurriedly pack their beach set up with the intention of rushing back to the shelter of their car. They stumble, dropping items, and find themselves backtracking, yet they can't help but laugh at the absurdity of it all.*

*But then, one of the girls suddenly stops, captivated by the unexpected beauty of how the rock monoliths and illuminated sky, have undergone a magical transformation, becoming a breathtaking spectacle of colours and textures. Her girlfriend looks back and notices this and returns to see why she's stopped.*

*The camera cuts to a wide shot of the couple, as they continue running down the beach with the breathtaking Twelve Apostles towering in the background. A super appears: The soaked, but so what bit and it is followed by a logo and tagline: Victoria. Every bit different.*

*The executions extend to out of home advertising where the couple is admiring the Twelve Apostles from afar.*

*Applicable provisions of the AANA Code of Ethics*

*Below we have addressed the referenced Code sections and their applicability to the Ad and the viewer complaint:*

*Section 2.1 of the Code states: Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.*

*Visit Victoria's response: The viewer complaint does not raise any issues that are the subject of Section 2.1 of the Code. Nothing in the Ad depicts material in a way which is discriminatory or vilifies a person or specific community of people. This ad is one in a suite of executions which aim to convey the different 'bits' of Victoria. Across the suite of executions we aim to feature talent representing diversity of race, ethnicity, gender, nationality, age, disability and sexual orientation. In this execution we feature a same sex couple.*

*Section 2.2 of the Code States: Advertising shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative or degrading of any individual or group of people.*

*Visit Victoria's response: The viewer complaint does not raise any issues that are the subject of Section 2.2 of the Code. No Minors or people who appear to be Minors feature in the Ads, and the Ads are not exploitative or degrading of any individual or group of people.*

*Section 2.3 of the Code states: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*Visit Victoria's response: The viewer complaint does not raise any issues that are the subject of Section 2.3 of the Code. No violence is portrayed in the Ads.*

*Section 2.4 of the Code states: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*Visit Victoria's response: The viewer complaint does not raise any issues that are the subject of Section 2.4 of the Code. The Ads feature a couple in a nonsexual setting. There is no nudity in the Ads.*

*Section 2.5 of the Code states: Advertising shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*Visit Victoria's response: The viewer complaint does not raise any issues that are the subject of Section 2.5 of the Code. There is no strong or obscene language in the Ads.*

*Section 2.6 of the Code states: Advertising must not depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards.*

*Visit Victoria's response: This is the only section of the Code which may apply to the viewer complaint.*

*Considerations of health and safety are paramount to Visit Victoria in the development of its marketing materials. Visit Victoria believes that the Ad does not feature dangerous or illegal behaviour in violation of the Prevailing Community Standards on health and safety.*

*Traditionally beaches in tourism advertising are shown on sunny days to inspire swimming. Our intent was not to promote the beach destination but rather the awe-inspiring sight of the Twelve Apostles and how they are equally spectacular even in inclement weather. In addition, Visit Victoria set to break the travel advertising norm and showcase the destination in an unexpected way and so the establishing shot of the advertisement is of a non-typical beach scene.*

*The couple in the ad has clearly been caught out by the unexpected weather and it is very clear from the vision that they are picking up their belongings and running away from the beach to seek shelter.*

*The couple is fully clothed and are not wearing swimming attire. This was deliberate to avoid any inference that they had been swimming.*

*In addition, Visit Victoria met required permit conditions according to Parks Victoria as the land manager for this location.*

*On this basis we believe that code 2.6 has not been breached.*

*Section 2.7 of the Code states: Advertising shall be clearly distinguishable as such.*

*Visit Victoria's response: The viewer complaint does not raise any issues that are the subject of Section 2.7 of the Code. The Ads are clearly distinguishable. The destination (Victoria) is clearly promoted at the start of the advertisement and there is a logo and tagline at the conclusion.*

*We submit that the Advertisement does not breach any other provisions of the Code. Visit Victoria takes the Complaint very seriously and regrets any offence caused to the complainant, their family or anyone else. We hope the information provided is sufficient to complete your review, and we would be happy to answer any other questions.*

## **THE DECISION**

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 advertisement promotes swimming in an area where it is unsafe.

The Panel viewed the advertisement and noted the advertiser's response.

### **Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the complainant's concern that the beach where the advertisement is shown is not a patrolled beach and not a safe place to swim.

The Panel noted the advertiser's response that the women were deliberately shown to be fully clothed to avoid any implication that they had been swimming.

The Panel considered that there is no indication that the people on the beach have been swimming, and their being wet is explained by the rain. The Panel considered that the scene does not show, condone or encourage unsafe behaviour.

### **Section 2.6 conclusion**

The Panel found that the advertisement did not breach Section 2.6 of the Code.

## **Conclusion**

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