

Case Report

Case number: 0251-25
Advertiser: The Jerky Co
Medium: TV - Free to Air
Decision date: 22-Oct-2025
Decision: Breach
Action: Ad modified

ISSUES CONSIDERED BY THE COMMUNITY PANEL

- AANA Code of Ethics - 2.6 Health and Safety - breach

AD DESCRIPTION

This television ad features scenarios typically seen in Australia, such as a magpie swooping someone on a bike and someone burning their feet on hot beach sand. Each scenario is followed by a voice-over stating 'That's Aussie.'

One scene features a man sunbathing by a pool. When he sits up and takes off the sunglasses, a very clearly defined tan line is visible around his eyes, at which point the voice-over says 'Yep That's Aussie.'

The final scene shows two men sitting in camp chairs by a river eating beef jerky. A voice-over says 'The Jerky Co. That's Aussie!'



SUMMARY

Complaint

A complaint was received on the grounds that skin cancer and melanoma is deadly. Unsafe sun exposure practices should not be advertised. The complainant made specific reference to the man with a tan line around his eyes.

Advertiser response

The advertiser responded that the brief poolside scene was intended to be a light-hearted reflection of familiar Australian moments, and not to promote unsafe behaviour. Viewers would clearly recognise this as a brief comic exaggeration rather than a realistic or instructional portrayal.

A full copy of the response is included in Appendix A.

Decisions

The Panel found that the ad was in breach of section 2.6 of the AANA Code as the ad depicted unsafe behaviour that would be contrary to prevailing community standards.

ASSESSMENT AND DECISIONS

Section 2.6 (AANA Code of Ethics): Advertising shall not depict material contrary to Prevailing Community Standards on health and safety

The Practice Note states:

Section 2.6 requires that advertising must not depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards

Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour.

This rule is not intended to prevent advertisers from depicting unsafe behaviour as a means to demonstrate potential negative effects, such as an advertisement for road safety depicting someone driving in a car after drinking alcohol.

Panel assessment

The Panel considered that community standards on sun safety have shifted over time, given the health risk associated with excessive sun exposure. The Panel considered that conditions like skin cancer pose a real threat to the community.

The Panel noted the advertiser's response that this was a light-hearted scene and not an instructional portrayal. However, the Panel considered that the context created is that this man is lying near the pool in the full sun with the objective of tanning. The Panel noted that he has a very clearly defined tan line around his eyes, which suggests that he has spent a relatively long time doing so.

The Panel considered these factors to mean that this man was deliberately sunbaking, as opposed to incidentally being burnt while enjoying a sunny day with friends. The Panel also noted the voice-over statement 'Yep That's Aussie' and considered that this creates an association with what it means to be 'Aussie' and the practice of sunbaking. The Panel considered that this association might be interpreted to condone unhealthy and unsafe behaviour that would be contrary to prevailing community standards on sun safety.

The Panel also considered that the ad did not depict this behaviour to demonstrate negative effects in a manner that would justify this depiction.

Panel decision

The Panel found that the ad did breach section 2.6 of the AANA Code of Ethics.

OTHER CONSIDERATIONS

The Panel found that the ad did not breach any other section of the advertising codes.

ACTION

We acknowledge and respect the Panel's decision regarding the advertisement being deemed non-compliant with Section 2.6 of the AANA Code of Ethics, and we confirm that it was never The Jerky Co's intention to promote or encourage prolonged unsafe sun exposure. In response to the ruling, we will discontinue the current version of the advertisements featuring this scene across both free-to-air and on-demand TV.

As the Panel's finding relates specifically to one of the four scenarios featured in the campaign, we will remove the relevant scene (Poolside man - 11 to 18 seconds) from all future versions of our "That's Aussie" advertisements across free-to-air and on-demand TV.

We appreciate the time and consideration given to this review and are grateful for the Panel's guidance. These findings will be thoughtfully considered in the development of our future advertising campaigns, as we remain committed to responsible and community-conscious communication.

APPENDIX A: ADVERTISER RESPONSE IN FULL

The Jerky Co appreciates the opportunity to respond to the complaint received regarding our television advertisement broadcast on 5 October 2025.

We understand and respect community sensitivity around sun safety. The brief poolside scene in question was designed as light-hearted humour reflecting familiar Australian moments, not to promote unsafe behaviour. The scene lasts two seconds and does not show or imply prolonged sun exposure, tanning, or unsafe conduct. There is no suggestion that the character has avoided sunscreen or that such behaviour is desirable. Viewers would clearly recognise this as a brief comic exaggeration rather than a realistic or instructional portrayal.

Depicting Australians outdoors in the sun is normal and not contrary to prevailing community standards. As the Ad Standards Panel has previously recognised, a lack of visible sun-safety measures does not constitute a breach of Section 2.6 unless unsafe behaviour is expressly encouraged, which we believe is not the case here.

The ad was independently reviewed and approved by ClearAds (Key No. TJCTA3002 / Ref FCGUPFDA) on 12 August 2025. It received an F Placement Code classification, equivalent to a G rating, confirming suitability for general audiences and compliance with all AANA advertising standards.

The Jerky Co takes its obligations under the AANA Code of Ethics seriously and appreciates the feedback provided. We are confident this advertisement complies fully with Section 2.6 and all other provisions of the Code. The portrayal of a relatable Australian stereotype aligns with community standards and does not depict unsafe or irresponsible behaviour. We therefore respectfully request that the complaint be dismissed.