



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0126/14
2	Advertiser	Unilever Australasia
3	Product	Retail
4	Type of Advertisement / media	Print
5	Date of Determination	14/05/2014
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is featured on Page 28 of the Coles Metro Magazine and is a montage of sporty images including a woman riding a bicycle without a helmet.

THE COMPLAINT

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

The material was delivered as part of the Congratulating Coles for 100 years of service. It was a (Metro) NSW state wide promotional material. The particular page was an advertisement for Rexona anti-perspirant, this was a full page and it had a banner that included that was congratulatory to Coles for 100 years of service.

Within the advert there were numerous images displaying dangerous behaviour, as this material is aimed at the type of person that would not "see the harm" in the activities portrayed.

Everyday Dangerous Behaviour: - [0131/11 Scotch and Soda] [0418/11 Eskanders Betstar Pty Ltd] I believe that it is trying to create a poor stereo-type, which would lend its self to profit from the viral add market.

Extreme or illegal unsafe behaviour:-[0256/10 NRMA Ltd] There is an image of a skate boarder skating without the use of any safety equipment

I have downloaded content from the Australian Association of National Advertisers and I wish you to refer to this for the final part of my complaint

[http://www.aana.com.au/codes/AANA_Code_of_Ethics_Practice_Note-261113.pdf]

AANA CODE OF ETHICS

PRACTICE NOTE

(P.2 of 4) Section 2

“Prevailing Community Standards apply to all parts of Section 2,, The prevailing Community Standard will differ in relation to the different restrictions in relation to health and safety,,”

(P.3 of 4) Under the heading -Portrayal of people (Section 2.1)-

Third point as follows

“A negative depiction of a group of people in society may be found to breach section 2.1 even if humour is used. The depiction will be regarded as negative if a negative impression is created by the imagery and language used in the advertisement”

As a cyclist road user I am always abused due to a negative stereotype, although I am well within my rights to have access to the public road system if I do so in a manner that does not contravene any statutory laws. The depiction of the cyclist in the photography shows that they are not in control of their vehicle which is against the law in any country.

(P.4 of 4) Under the heading –Health and Safety (Section 2.6)-

Directly beneath this reads

“Images of bike riding without helmets or not wearing a seatbelt will be contrary to prevailing community standards relating to health and safety,,”

The advertisement as you have probably by now noticed is depicting an image of a female cyclist using a bicycle without wearing a helmet.

I can actually recall this image from an advertising campaign called “My Coles is” I do not recall the time it was running but it included this same person “freewheeling free”. I believe that COLES was stopped for using this image of a woman in a manner that was deemed to be an image that was in the Boards opinion viewed to contravene prevailing community standards on health and safety. This would be within the broad classification of: dangerous behaviour

THE ADVERTISER’S RESPONSE

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

Complaint

The Complaint alleges that the Advertisement contains images of people engaging in dangerous behaviour in contravention of the AANA Code of Ethics (Code). In particular, the Complaint refers to an image of a man riding a skateboard without a helmet and an image of a woman riding a bicycle neither holding onto the handlebars nor wearing a helmet (together, the Images).

Action Taken

Unilever Australia Limited (Unilever) has ensured that the Advertisement will not be used again and has removed the Images from all future advertising materials and image banks.

Response to Complaint

Unilever recognises that wearing helmets while cycling or skateboarding is a matter of strict compliance in Australia and for this reason Unilever has taken the above mentioned action prior to a determination by the Advertising Standards Bureau.

Whilst Unilever does have in place controls to ensure compliance with our responsibilities under the Code, in this instance, the Images were inadvertently missed through our internal approval process. We are investigating this instance of non-compliance and will also conduct further training with our employees to further improve the internal approval process as well as reinforce understanding of Unilever's obligations under the Code.

We note that action has been taken promptly to address the issue raised by the Complaint following you providing us with a copy of your letter to Coles on 7 May 2014. We confirm that we have not received any consumer complaints in relation to Advertisement or the Images.

Unilever confirms that previous advertisements containing images of people engaging in activities such as cycling show them wearing helmets and in control of their mode of transport.

Conclusion

We believe that appropriate action has been taken to address the Complaint and to ensure compliance with the Code.

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 concerns that the advertisement features a woman on a bike who is not wearing a helmet and this is unsafe behaviour and is against prevailing community standards on health and safety.

The Board viewed the advertisement and noted that the advertiser's response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that the advertisement features several images on the one page with the product special in the middle. The images include for example, the woman on the bike, someone skydiving, white water rafting and skateboarding.

The Board noted it had previously upheld a similar complaint about an advertisement featuring a Father and son riding their bikes and the Father was not wearing a helmet (Dads 4 Kids 0202/13). In this matter the Board noted that "the image of the dad riding the bicycle is very fleeting and it is not clear whether he is on a road or a footpath. The Board considered that regardless of the specific location of the bicycle it is within the generally accepted standard of health and safety for bicycle riders to wear approved safety helmets."

The Board considered that it is not completely possible to determine if the woman is on a road or road related area but that community standards are very clear on the issue of health and safety whilst riding a bicycle and considered that a depiction of an adult riding a bicycle without a helmet is a depiction which is in breach of these community standards.

In addition, the woman is riding the bike with no hands.

The Board noted that the advertiser has confirmed that the advertisement will not be used again and has removed the images from future advertising materials.

The Board considered however, that in this instance the advertisement does depict material contrary to Prevailing Community Standards on health and safety and that it did breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I acknowledge that the Advertising Standards Board advertisement promoting REXONA branded antiperspirant deodorant Coles Metro Magazine breached one or more of the Codes administered by the Standards Bureau.

I acknowledge that the Advertising Standards Board (Board) has determined that a print advertisement promoting REXONA branded antiperspirant deodorants (Advertisement) Coles Metro Magazine breached one or more of the Codes administered by the Advertising Standards Bureau.

Unilever Australia Limited (Unilever) has ensured that the Advertisement will not be used again and has removed the images depicting a skateboarder and bicycle rider not wearing helmets from all future advertising materials and image banks.

Unilever recognises that wearing helmets while skateboarding or cycling is a matter of strict compliance in Australia and for this reason Unilever took the above mentioned action prior

to the Board's determination regarding the Advertisement.

Whilst Unilever does have in place controls to ensure compliance with our responsibilities under the Code, in this instance, the Images were inadvertently missed through our internal approval process. We are investigating this instance of non-compliance and will also conduct further training with our employees to further improve the internal approval process as well as reinforce understanding of Unilever's obligations under the Code.

