

## Case Report

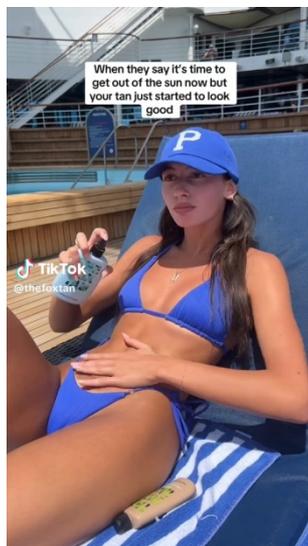
1. Case Number :	0278-23
2. Advertiser :	The Fox Tan
3. Product :	Toiletries
4. Type of Advertisement/Media :	Internet - Social - TikTok
5. Date of Decision:	6-Dec-2023
6. Decision:	Upheld – Not Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This TikTok advertisement depicts a woman on a sun lounger. In response to an unseen voiceover telling her to get out, she replies "You cannot force me away, I wont go, I will stay".



### THE COMPLAINT

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

*The advertisement poses a risk to public safety by encouraging harmful sun exposure*

## **THE ADVERTISER'S RESPONSE**

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

*Advertiser did not provide a response.*

## **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 concerns that the advertisement promotes harmful sun exposure.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

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

The Panel noted that the product being advertised was a 'tanning accelerant' (not a sunscreen) and that many members of the community would prefer such products not to be advertised, and considered that advertisers have a right to advertise their products.

However, the Panel noted that the caption and voice-over both indicate that the woman is being told that she should get out of the sun, which indicates that she has probably been in the sun at unsafe levels for too long. The Panel noted that despite that she is defiant and insists on staying out in the sun.

The Panel noted that skin cancer affects a very large number of Australians over their lifetime and continues to lead to a high number of deaths every year. The Panel considered that the community is, on the whole, very aware of the danger posed by UV exposure, and considered that any advertisement which encourages harmful sun exposure to be against prevailing community standards on sun safety.

The Panel considered that the audience for the advertisement is likely to be younger Australians interested in tanning and considered that the messaging in this advertisement was especially dangerous for this group of people.

Overall, the Panel considered that the advertisement included material against prevailing community standards on sun safety.

**Section 2.6 conclusion**

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

**Conclusion**

Finding that the advertisement breached Section 2.6 of the Code the Panel upheld the complaints.

**THE ADVERTISER'S RESPONSE TO DECISION**

The advertiser has not provided a response to the Panel's decision. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.