

Case Report

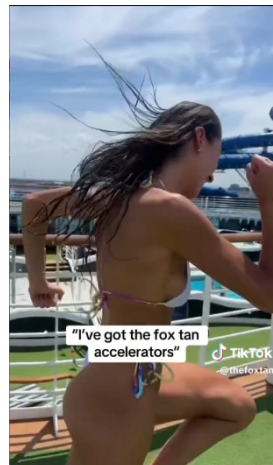
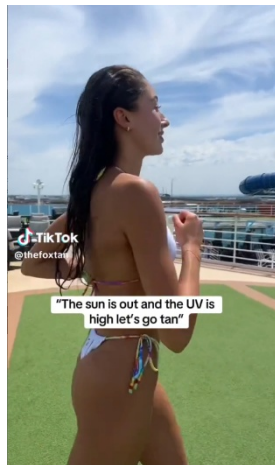
1. Case Number :	0042-24
2. Advertiser :	The Fox Tan
3. Product :	Toiletries
4. Type of Advertisement/Media :	Internet - Social - TikTok
5. Date of Decision:	21-Feb-2024
6. Decision:	Upheld – Not Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This TikTok video depicts a woman in swimwear running outside and superimposed text stating "The sun is out and the UV is high let's go tan" and "I've got the fox tan accelerators".



THE COMPLAINT

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

The ad promotes unsafe tanning which puts people at higher risk of skin cancer

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 concern 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.

The Panel considered that the caption encourages tanning when the UV is high.

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 complaint.

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.