[GB] Ryanair “jab and go” TV ad banned for encouraging irresponsible behaviour

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On 3 February 2021, the Advertising Standards Authority (ASA), the United Kingdom’s regulator of advertising across all media, banned Ryanair’s “jab and go” TV campaign on the grounds that it encouraged the public to act irresponsibly once they had received a coronavirus vaccination shot. The ban came just days after the Ryanair chief executive, Michael O’Leary, stated in a BBC Radio 4 interview that he expected a revival of European beach holidays in the summer of 2021.

The two controversial television advertisements were launched on Boxing Day and were seen between 26 December 2020 and 4 January 2021. The first ad featured a medical syringe and a small bottle labelled “vaccine” along with on-screen text stating “vaccines are coming”. The voice-over encouraged consumers to snap up Easter and Summer bargain deals to sunny European countries like Italy and Greece because “you could jab and go”. Footage also showed people in their 20s and 30s at holiday destinations. During the last few seconds of the ad, further on-screen text reinforced the same message with large lettering stating: “Jab & Go!” The second ad was similar, except that it included a different price offer.

The advertisements attracted 2 370 complaints and were challenged on three grounds: first, that the ads, and particularly the “Jab & Go” claim, were misleading because they gave the impression that large parts of the UK population would be vaccinated against COVID-19 by the summer of 2021 and would be unaffected by travel restrictions related to the pandemic; secondly, that the promotional statements in the ads were offensive because they trivialised the effects of the pandemic on society; and finally, that the ads encouraged people to behave irresponsibly once they had received a coronavirus vaccination shot.

In the opinion of the budget airline, the ads in question were first broadcast at a time during which the government continued to give “optimistic briefings” implying that a significant proportion of the population would be vaccinated midway through the year. In addition to the timing of the ads’ broadcast, the general public’s familiarity with information about the vaccines, the rollout schedule, the continuously changing international travel restrictions and inherent uncertainty in the travel industry, as well as the use of conditional language in the

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voice-over (“could”), were all important contextual factors which would enable the average viewer to understand that the ads envisaged “a hypothetical Easter or summer holiday.”

However, it was exactly this context, overshadowed by uncertainty and complexity, that placed an additional level of responsibility on advertisers to act cautiously when linking developments in response to the coronavirus pandemic with buyers’ decision-making processes, especially at a time when consumers were likely to feel apprehensive about booking holidays.

The ASA found that both ads breached Rule 3.1 of the UK Code of Broadcast Advertising (BCAP Code) by materially misleading consumers about the impact that COVID-19 vaccines would have on their ability to travel abroad during Easter and summer 2021. The regulator considered that the information available at the time the ads were broadcast left no doubt that it was “highly unlikely” that societal groups falling outside the priority list for "phase one" of the planned vaccination rollout schedule (that is, the most vulnerable individuals in society) would be maximally protected in time to go on holiday either in summer or Easter 2021.

Moreover, while the vaccines are proved to provide some protection against developing serious illness, much is unknown about how the vaccine may prevent its spread from one person to another. Hence, vaccinated individuals are advised to continue adhering to social distancing and wearing face coverings, and such measures are likely to remain in place for both vaccinated and non-vaccinated people “in at least the short- to medium-term.” However, the links to the planned vaccination rollout in the ad, coupled with the accompanying footage (which portrayed a group of young people jumping together into a pool and a couple being served by a waiter without a mask) conveyed a misleading message, namely, that most people who wished to go on holiday would be vaccinated in time to be in a position to do so and could go on holiday without restrictions as a direct result of being vaccinated against COVID-19.

The ads were also found to have breached Rule 1.2 of the BCAP Code, which requires marketers to prepare advertisements with a sense of responsibility to the wider society. The emphasis on the vaccines from the very outset, as well as the suggestion of immediacy and speed of access through the claim “Jab & Go”, encouraged people to behave irresponsibly by prompting those not yet eligible to be vaccinated to arrange vaccination at a time when health services were coming under intense strain. Moreover, the featured imagery of people enjoying typical holiday activities without observing social distancing would lead some viewers to believe that it was possible for anyone to get vaccinated by Easter or summer 2021 and go on holiday once vaccinated without necessarily adhering to restrictions, posing risks for their own and others’ health.

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The ASA ruled, however, that the ads were not in breach of the harm and offensiveness rules under Section Four of the BCAP Code. Although their "celebratory" tone was "distasteful" to some viewers, it was not nevertheless found to be insensitive to the wider impact of the ongoing pandemic and was unlikely to cause serious or widespread offence against generally accepted societal standards.

The regulator directed Ryanair not to re-broadcast the ads in the form complained of. Interestingly, the evaluation made by Clearcast, the non-governmental organisation which pre-approves ads for broadcast on the United Kingdom's main commercial channels, was out of step with the regulator's assessment. Clearcast did not consider the language used in the ads to be insensitive. Instead, it took the view that the marketing communication in this case contained "a hopeful message" that holidaying in summer 2021 without social distancing was a real possibility, and at the time the ads were approved (when England was coming out of its second lockdown) "it looked like better times were coming."

The ASA is conscious of its regulatory role during the global health crisis. It has previously relied on its rules on social responsibility and material misleadingness when targeting ads that seek to profit from the ongoing public health emergency or otherwise exploit the current circumstances to sell products or services. In December 2020, following complaints by Stella Creasy, Labour/Co-operative Member of Parliament of the United Kingdom, the ASA banned four Instagram posts made by influencers in association with Klarna Bank for promoting the use of the company's deferred payment service in an "irresponsible manner", in breach of the advertising code. The controversial ads encouraged the use of credit to purchase beauty and clothing products in order to help with lifting or boosting people's moods during the challenging circumstances faced by many consumers in the national COVID-19 lockdown period.

ASA Ruling on Ryanair DAC

https://www.asa.org.uk/rulings/ryanair-dac-g20-1089921-ryanair-dac.html

ASA Ruling on Klarna Bank AB

https://www.asa.org.uk/rulings/klarna-bank-ab-a20-1081031-klarna-bank-ab.html

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