



Case Report

1	Case Number	0041/13
2	Advertiser	Jamberoo Action Park
3	Product	Leisure and Sport
4	Type of Advertisement / media	TV
5	Date of Determination	13/02/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

We see a group of adult riders, with anticipation and trepidation on their faces, waiting to be dispatched into a high thrill water slide ride. Throughout the advertisement we witness internal vision of the ride and reactions of the riders before exiting into the “Funnel” of the water slide. Several sequences are shown in slow-motion.

At the end of the advertisement you see Computer Generated Images (CGI) of spider web forming around the sides of the ‘burrow hole’ before a CGI Funnel Web spider is revealed forming the strike position, as similar to the ride logo.

THE COMPLAINT

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

The funnel web is an extremely dangerous spider. This advertisement sends the wrong message to children. We don't want any child to be bitten by a funnel web. The advertisement makes out the funnel web to be an innocuous and 'fun' thing. A funnel web spider is neither. I find the ad irresponsible.

THE ADVERTISER'S RESPONSE

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

We refer to the letter received on 22 January 2013 in relation to the complaint (Ref No: 0041/13).

We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics ("AANA Code"), Section 2. Consumer Complaints, more specifically 2.6. Health and Safety within prevailing Community Standards. We note that the nature of the complaint relates to the concern that the advertisement in question "sends the wrong message to children" and is therefore found "to be irresponsible".

We have carefully considered the ("AANA Code") and have assessed the provisions against the content of this advertisement. We submit that the advertisement does not breach the ("AANA Code") on the grounds set out in this response.

We note that the advertisement is for a new high thrill water based ride, themed and called "The Funnel Web", and that the advertisement features footage of a four person clover leaf raft transporting 4 adults throughout the ride before disappearing into a "funnel". Towards the end of the advertisement a Computer Generated Image animation (CGI) of a Funnel Web spider appears to crawl from the 'funnel' to take the pose of the ride logo.

Looking at the ("AANA Code"), Provision 2.6 provides that advertisements "shall not depict material contrary to Prevailing Community Standards on health and safety." We note the complainant's particular concern that the advertisement "sends the wrong message to children" and makes out that "the Funnel Web to be an innocuous and 'fun' thing" is incorrect and not relevant to the clear intention of the commercial.

In no way was the commercial trying to make light of the fact that Funnel Web spider bites are dangerous, the commercial's intention is to convey an extreme high thrill water ride experience and the sense of fear (then excitement) that comes with it.

*It's also clearly implied that the phrase "Get Bitten by the Funnel Web" is referring directly to the extreme and addictive nature of the new water thrill ride itself, (an *Idiom). This is reinforced by every visual and audio element of the commercial,... including the wide angle view of the 'funnel', composition of the stylised funnel web animation within the ride itself, supporting end title graphics and voice over statement "... only at Jamberoo"... "where you control the action!"...*

**Idiom - Definition: A rendition of a combination of words that have a "figurative meaning". The figurative meaning is comprehended in regard to a common use of the expression that is separate from the literal meaning or definition of the words of which it is made.*

We note the complainant's particular concern that "We don't want any child to be bitten by a Funnel Web." The advertisement in no way encourages children to undertake any such risky behaviour. The advertisement is not directed at children and this is clear from the fact that the age of the talent used are young adults 20+, as well as the style of the commercial does not suggest it is aimed at children as the AANA defines Children as "Children means persons 14 years old or younger and Child means a person 14 years old or younger."

Jamberoo Action Park has been developing a water based theme park for the past 34 years and within the last 10-15 years has been incorporating an "Australiana Theme" throughout its rides and attractions. This was evidenced in the Background provided (p3) at the commencement of this response.

The ride was named Funnel Web;

1. Because of the unique design shape of the huge "Funnel" that is the signature part of this ride,

2. And was in keeping with our Australiana Theme Naming Strategy for the ongoing development of the park.

The ride, Funnel Web, is the Longest, Biggest most exhilarating water thrill ride of its kind built in the World! that tantalises all 5 senses whilst participating on the ride.

Travelling at 30kms a hour in darkness you twist and turn before plunging into the “Funnel” where as you oscillate back and forth you experience a “sense of weightlessness” before returning back into darkness for one final 360° turn before splashing out into the pool... free at last!

Additionally as part of the approved theming, a 20mtr x 20mtr funnel web spider character is being designed and manufactured in Kuala Lumpur, that is to be attached to the side of the ride’s ‘funnel’ in February 2013. This is evidenced in the artistic image as shown on the Kangaroo Island Mater Plan, (p5).

Accordingly, we submit that, based on the above explanations, the advertisement does not breach Provision 2.6, or any other provision of the (“AANA Code”).

For the reasons outlined above, we respectfully request that this complaint be dismissed.

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 sends a message to children about spider safety which is contrary to prevailing community standards on health and safety.

The Board viewed the advertisement and noted 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 the advertisement is for a new ride at Jamberoo Action Park called the Funnel Web and that it shows young adults using the ride. The Board noted the Advertiser’s response that the actors used in the advertisement are aged in their early twenties and that the target market for the advertisement is young adults.

The Board noted that the footage of the Funnel Web water ride is accompanied by a voice over which says, “Dare to get bitten by the funnel web” and that the complainant believes this is an inappropriate message to give to children as they may be encouraged to think that being bitten by a funnel web spider would be fun. The Board noted that the voiceover makes it clear they are talking about the new water ride throughout the advertisement and that the accompanying footage depicts the ride being used.

The Board noted that the advertisement has been rated ‘W’ by CAD and that it could be viewed by children. The Board noted that the advertisement does feature a large spider at the end but considered that the spider is clearly a larger than life cartoon depiction and that it would be unlikely for children to interpret the advertisement as an encouragement to be bitten by an actual spider.

Based on the above the Board considered that the advertisement is clearly advertising a theme park ride and that it does not suggest that being bitten by a spider would be fun.

The Board determined that the advertisement did not depict material which would be in

breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.