



Case Report

1	Case Number	0043/13
2	Advertiser	Hollard Financial Services
3	Product	Insurance
4	Type of Advertisement / media	TV
5	Date of Determination	27/02/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for life insurance and features a family at a swimming pool. A toddler wearing a flotation device is shown jumping in to the pool where her mother is waiting to catch her. In a later scene we see the mother holding the toddler in the pool.

THE COMPLAINT

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

There is a toddler who dives in to the pool with a flotation device strapped around her waist. A flotation device strapped around the waist is dangerous and could result in the child's head being pushed under water possibly causing drowning. I fear people will see this and use these devices in the same way.

THE ADVERTISER'S RESPONSE

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

The complaint is concerned with one segment of the advertisement that shows a young child using a flotation device in a swimming pool. The complainant is concerned that the method

by which the device is used is dangerous and could result in dangerous practices by members of the public if they were to use the device in the same manner.

We acknowledge that our advertisement does have a segment in which a young girl is swimming in a pool with a flotation device strapped to her waist. However we dispute that this portrays a dangerous use of this item.

I note at the outset that this complaint does not fall within the bounds of any of the codes that the Advertising Standards Bureau administers.

The flotation device that was used in the advertisement is manufactured by Swim Sportz and is currently available on the Australian market for purchase.

I note that the device is rated for use by 2-6 year olds and is suitable for a maximum weight of 25 kilograms. Furthermore, included on the flotation device is a warning (please refer to enclosed picture) which says: "Warning: Use only for swimming tuition under competent adult supervision never leave children unattended". This warning complies with the requirements of Product Safety Australia's standard on Aquatic Toys.

In all of these manners we have complied with the specifications and directions concerning the flotation device when producing this advertisement. The child in the advertisement is within the age range and is under 25 kilograms. The child is only wearing the flotation device as a means of learning to swim and is never left unattended, either on film or for the duration of the process of creating the advertisement.

I note that Swim Sportz has not provided any direction about where to secure the device on the child's body. Nor is there any independent authority on this matter. Accordingly it is appropriate that a responsible adult make that decision. In this case we can confirm that the adult person playing the child's mother in this advertisement is in fact the child's real mother. The flotation device is owned, and was provided for use in the commercial, by the child's mother and is therefore something that both the mother and the child are familiar with and have used several times before. In addition it was the mother who attached the device to the

child and was present at all times while the child was using the device in the water. Furthermore we have been informed from the mother herself that she purchased the device from her local swim school and was instructed to attach the device in the manner that was shown on the advertisement.

Therefore I argue that the device was used in an appropriate manner in the advertisement. However I am aware that the complaint is also partly about the perception that could have been obtained by a viewer as to the appropriate uses of their own flotation devices.

As I have outlined above, it is our view that the manner by which the device was used was appropriate. However, even if it wasn't best practice, I argue that the view that this would affect the pool habits of potential viewers of the advertisement is not a reasonable one for the following reasons:

The advertisement was not portraying any message with regard to the use of pool safety equipment. The main focus of the advertisement is never about the child and what they are doing.

A single advertisement is not enough to offset other messages in the public domain about general pool safety.

People do not generally look to advertising of insurance products as an authority on correct pool safety practices.

Finally, even if a viewer were to emulate the actions taken within our advertisement, then in doing so they would, at all times, have a supervising adult present which would be sufficient to ensure that any potential dangers would be averted.

Conclusion

In conclusion I have outlined that in producing the advertisement HFS has taken all relevant safety precautions that are recommended by the producer of the flotation device and has had the child's mother present to ensure that safe practices were undertaken to her satisfaction. I have also argued that it would be unreasonable for a viewer to take this advertisement as an endorsement of a particular manner of using a flotation device.

Accordingly I request that the Advertising Standards Board find that there is no reason to restrict the use of the advertisement in this instance.

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 depicts the unsafe use of a child's flotation device.

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 features a scene where a young child jumps in to a swimming pool wearing a flotation device around her waist and that she is caught by her mother.

The Board noted the advertiser's response that the child's real mother is featured in the

advertisement and that the flotation device had been purchased by the mother on the advice of her local swim school. The Board noted that the child jumps in to the pool in to her mother's arms and that in all the scenes of the pool the child is in her mother's arms. The Board considered that, regardless of whether or not the flotation device met Australian Standards or was used in accordance with instructions, in this advertisement the child is shown swimming under constant supervision of an adult.

Based on the above the Board considered that the depiction of a young child wearing a flotation device under the close supervision of her mother is a depiction which is common in Australia and is consistent with prevailing community standards on health and safety surrounding the use of swimming pools.

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.