



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0011/19
2	Advertiser	Booking.com Internation B.V.
3	Product	Travel
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/01/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features scenes including, a house from outside, a man being chased by a child, a group sitting around a dinner table, 2 men jumping onto floating toys in a pool, a group of people in a kitchen, and a straw hut.

THE COMPLAINT

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

There's a section in the commercial where there are 2 boys diving onto floaties in a pool.

What I object to is that fact it is a very skinny pool and you should not be diving in the pool From side to side as it is very narrow and you could break your neck,it's certainly not appropriate in summer,kids could see it and try it and in the commercial it looks like one boy would be hitting the wall but wouldn't see it because of the floaty

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

Further to your letter dated 8 January 2019 to Booking.com B.V., please be informed as follows.

I understand that you have received the following complaint in respect of our TV commercial: "There's a section in the commercial where there are 2 boys diving onto floaties in a pool. What I object to is that fact it is a very skinny pool and you should not be diving in the pool From side to side as it is very narrow and you could break your neck,it's certainly not appropriate in summer,kids could see it and try it and in the commercial it looks like one boy would be hitting the wall but wouldn't see it because of the floaty".

I understand that the commercial would qualify as an [alleged] health and safety unsafe behaviour issue.

OUR POSITION First of all, we would like to emphasize that Booking.com respects the advertising codes and regrets if our advertisement has caused some concern.

Regarding the complaint, I can inform you that we disagree with the complaint and the allegations made.

Please find below a further substantiation of our position.

Description advertisement

In the commercial, 2 people (not boys) take a big jump / "dive" into a pool (see stills below) and each (tries to) land on a floating device. Albeit their big jump, they only land [on their device] halve way the pool and only one makes it ("floats") to the other side of the pool.

The commercial is also available through the provided link. The relevant scene is from 00:05-00:07s.

Our comments

We passed our advertising through clearance processes and issues regarding safety or any other advertising code did not come up so we proceeded to air the advertisement. Booking.com would never condone or encourage unsafe behaviour for traveller of any age. In this particular scene, the men [not boys] jump into the pool where there are floatation devises. They reach half way across the pool in an area of safe depth. They did not land nor appear [remotely] close to the wall or in any particular danger. The relevant action/behaviour can be regarded as customary conduct and behaviour in and around a swimming pool, which is not [remotely] unusual, unexpected, unsafe or otherwise inappropriate or a "wrong example".



We regret if our content has caused any concern and we always clear our content to ensure public advertising standards are met.

I hope (and trust) that the above satisfactorily explains our position. If you require any further information, please do not hesitate to contact me.

THE DETERMINATION

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 depicts unsafe diving into a pool.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement was in breach of 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 Panel noted the complainant's concern that that the advertisement depicts two boys diving onto inflatable pool toys in a pool in an unsafe manner and this may encourage children to do the same.

The Panel noted the television advertisement was for holiday homes and featured scenes of people inside and outside a home, including a scene where two people jump onto inflatables in a pool.

The Panel considered that the two people seen jumping onto inflatables in the pool were clearly adults and not children. The Panel considered that the men jumped more than dived onto the inflatables and this was behaviour consistent with common usage of the pool. The Panel noted that the pool did appear to be quite narrow, however considered that the angle of filming, and the fact that it appeared to be an infinity pool meant that the distance was hard to judge. The Panel considered the men landed in the middle of the pool, and not close to the other side. The Panel noted one of the men floats to the other side of the pool however considered that this appears controlled and the man does not appear to be in any danger.

The Panel considered that the men jumping into the pool did not appear to be unsafe, however considered that in the context of a two second scene in a thirty second advertisement it was not the focus of the advertisement and was unlikely to cause copy-cat behaviour.



The Panel considered that the advertisement did not depict material contrary to prevailing community standards on pool safety and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

