



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0038/18
2	Advertiser	Amaysim Australia PtyLtd
3	Product	Mobile Phone or SMS
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/02/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a man using a large ride on mower to mow a small front yard, it then shows the man holding a jerry can and watching the lawnmower burn.

THE COMPLAINT

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

*The setting fire to the vehicle
Showing the audience how to set fire to it. Having this ad shown at a time when
children are watching the cricket*

THE ADVERTISER'S RESPONSE



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

This letter is sent in relation to the above complaint which concerns amaysim's advertisement.

We note that it appears that one complaint has been received, which is to the effect that a viewer is concerned that the advertisement may demonstrate to the audience how to set fire to a vehicle, and is shown at a time when children may be viewing the cricket. Our understanding is that the viewer is concerned that the effect of the advertisement may be to show children how to set fire to a vehicle.

You have indicated that the ASB will consider whether the advertisement is consistent with clause 2.6 of the AANA Code of Ethics, which prohibits depiction of material contrary to prevailing community standards on health and safety.

In summary, and as further explained below, amaysim submits that the advertisement is consistent with clause 2.6. The advertisement does not demonstrate how to set fire to a vehicle. Rather, it shows a man riding a lawnmower then cuts directly to footage of the vehicle on fire whilst a man watches holding a can. There is no depiction of the vehicle being set fire, and there is no indication of what is in the can. Moreover, the advertisement as a whole is comic and is not likely to be taken seriously by viewers.

amaysim's more detailed submissions are below.

Applicable standards

The issue identified in connection with the complaint is whether the advertisement breaches clause 2.6 of the AANA Code of Ethics, which provides as follows:

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The AANA Advertiser Codes of Ethics defines "Prevailing Community Standards" as:

... the community standards determined by the Advertising Standards Board as those prevailing at the relevant time in relation to Advertising or Marketing Communications. Prevailing Community Standards apply to clauses 2.1 – 2.6 below. The determination by the 2 Board shall have regard to Practice Notes published by AANA and any research conducted by the Advertising Standards Bureau.

The AANA Practice Note – Code of Ethics relevantly states in relation to section 2.6: Health and Safety (Section 2.6)



– Images of bike riding without helmets or not wearing a seatbelt will be contrary to prevailing community standards relating to health and safety. Similarly, advertisements depicting unsafe practices or images, such as riding down a hill in a wheelie bin, using a mobile phone while driving or apparently hiding in a chest freezer etc are unacceptable. Advertisers should take care not to depict behaviour that children may imitate.

....

amaysim notes that no issue arises under any other provision of the AANA Code of Ethics. There is nothing in the advertisement that could be taken to be discriminatory, as improperly utilising sexual appeal, or as violent. The advertisement does not use sexual or obscene language or material. It is also plainly identifiable as advertising material.

Considerations in relation to this advertisement

amaysim submits that the advertisement does not breach clause 2.6 of the AANA Code of Ethics.

The principal concern in the complaint appears to be that the advertisement may provide guidance to viewers, and to children in particular, as to how to set a vehicle alight. In fact, as noted above, the advertisement does not show the mower being lit. Rather, it cuts directly from footage of the mower being used to footage of it burning. The man watching the vehicle burn is holding a jerrycan but there is no indication as to what it holds.

The advertisement as a whole is whimsical and is unlikely to be taken seriously by viewers. The mower depicted is old-fashioned and is too big for the yard featured in the advertisement. The theme of the advertisement is freeing oneself of things that are no longer needed.

It is also relevant to note that the Advertising Standards Board has in the past dismissed complaints relating to advertisements depicting images of fire. In particular, amaysim notes that complaints relating to each of the following advertisements were dismissed:

- 0469/15: In which a man causes a backyard BBQ to catch fire, and chooses to let it burn rather than using his beer to put it out;*
- 0474/14: In which a woman sets fire to a building;*
- 0508/11: In which a family house burns down after the family members mistakenly engage in a number of unsafe practices including failure to evacuate in the face of an oncoming bushfire, and the son of the family leaving the house as the bushfire*



approaches.

amaysim acknowledges that it is important to ensure that advertisements are responsible and do not place children or other members of the community at risk. It is also important to take into account the public interest in freedom of expression which weighs in favour of dismissing complaints concerning advertisements which do not pose any significant risk.

In the circumstances, amaysim respectfully submits that the appropriate course of action is for the Advertising Standards Board to dismiss the complaint.

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amaysim would be happy to provide any further information that would be of assistance to the Advertising Standards Board, and would also be happy to address any specific concerns that the Advertising Standards Board may have.

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 shows children how to set fire to a vehicle.

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 that this television advertisement features a man mowing a small front yard with a ride on lawn mower. The voice over states ‘time to say goodbye to the things we don’t need’ and we see the man standing next to the burning mower with a jerry can.

The Board noted the complainant’s concern about the man setting the vehicle alight.

The Board noted the advertiser’s response that there is no depiction of the vehicle being set alight and does not provide instructions to people as to how to set a vehicle alight. The Board also noted the advertiser response that there is no indication of what the jerry can holds.



The Board considered that in the context of a scene showing a fire and a man holding a jerry can it was a reasonable assumption that the jerry can would hold petrol or an equally flammable liquid.

The board noted that the advertiser had referred to three previous cases in which the Board had dismissed complaints regarding depictions of fires.

The Board noted 0474/14 in which a woman sets fire to a building. In that case the Board 'noted the stylised nature of the advertisement and considered that the unrealistic nature of the actors' behaviour and the subsequent fire which is clearly contained is sufficient to be very unlikely to encourage copycat behaviour. The Board considered that the advertisement did not encourage or condone the setting on fire of objects within a house or anywhere else.'

The Board noted that unlike the scenario depicted in 0474/14, the current advertisement is set in a small suburban front yard and in the Board's view was not seen to be cartoonish or fantastical. The Board noted that the advertisement theme is to 'say goodbye to the things we don't need' and then depicts the scenario of a man burning a ride on mower which is clearly not needed for a small front yard. The Board noted that this is intended to be humorous, but considered that although the situation was unlikely the depiction of a man in a yard with a jerry can and a ride on mower on fire was realistic and is easily mimicable.

The Board also noted that it had previously considered an advertisement where a fire was shown in a BBQ (0469/15) in which:

"The Board acknowledged that not attempting to put out a fire at a summer barbeque is potentially hazardous and considered that this is not a message which should be encouraged or condoned. The Board noted however that the fire is contained to the meat on the barbeque and considered that there is no suggestion of danger and the man remains with the barbeque until he serves up the burnt meat to his friends. The Board noted that throughout the advertisement the man appears calm and in control and considered that the fire is clearly contained to the meat on the barbeque and does not appear to be out of control or at risk of spreading or causing any harm to anyone or anything."

The Board noted that unlike 0469/15 in the current advertisement the fire is not contained (although only the mower is on fire in the advertisement the fire is not physically contained and could spread) and the man is standing next to it with a jerry can. The Board considered that this is a depiction that is contrary to prevailing community standards on safety around incinerates and fire.

The Board noted that it had previously considered a case where fire was shown



destroying a family home (0508/11). The Board noted that this advertisement was a public safety advertisement regarding the importance of a fire safety plan and depicted life threatening fire situation.

The Board noted that the current advertisement, unlike 0508/11, is not attempting to deliver a message about fire safety and there is no justification for the depiction of a motor vehicle on fire.

The Board considered that the depiction of a man standing next to flames with a container of flammable liquid was a depiction of a behaviour which would be against prevailing community standards on health and safety and in this case did breach section 2.6 of the Code.

Finding that the advertisement did breach section 2.6 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

amaysim has considered the determination of the Advertising Standard's Board in relation to an advertisement aired on television featuring a burning lawnmower in connection with its "just what you need" campaign. amaysim is conscious of the need to ensure that its advertisements do not depict material which is contrary to prevailing community standards on health and safety. amaysim does not admit that the relevant advertisement breaches the Advertiser Code of Ethics, and maintains that the advertisement was intended to be humorous, rather than instructional, in nature. Nevertheless, amaysim wishes to be responsive to the Advertising Standard's Board's concerns and advised the Advertising Standard's Bureau on 14 February 2018 that the relevant advertisement will be discontinued from 11.59pm Saturday, 17 February 2018.

