



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0053-20
2. Advertiser :	ANZ Banking Group Ltd
3. Product :	Finance/Investment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	12-Feb-2020
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features two men standing over a baby in a bassinet and singing "You make me feel like financing" to the tune of "You make me feel like dancing" by Leo Sayer. The baby is wearing a beanie.

THE COMPLAINT

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

The baby that is in the cot has a bonnet on which is strictly against the standards of a care for a child being placed down in a cot for sleeping, all headwear etc should be removed prior. This sets the incorrect standards. Many babies have died from SUIDS and sleeping with headwear is a contributing factor. This part of the ad should be removed or modified.

THE ADVERTISER'S RESPONSE

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



We note that the Complaint submitted pertains to section 2.6 (Health & Safety) of the AANA Code of Ethics which states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."

AANA Code of Ethics – Section 2.6 (Health and Safety) Our creative agency, TBWA\Melbourne did consult on the shoot with Child Welfare and received approval on set for the baby's wardrobe. Filming was supervised by a Talent Pay child welfare representative who approved the baby's wardrobe on set.

However, health and safety are of critical importance to ANZ and we do not in any way wish to portray material which may be perceived as contrary to prevailing Community Standards on Health or Safety, or incur even the slightest chance of putting our customers or community at risk. We are therefore in the process of working with our agency to revise this commercial.

In the meantime, as requested, we have supplied a copy of the script, details of the CAD reference number and a digital copy of the advertisement as it currently stands.

Other parts of Section 2 of the AANA Code of Ethics

In your letter, you asked us to address all parts of Section 2 of the AANA Code of Ethics. Our position is that none of the other parts of Section 2 are relevant to the Complaint. However, for completeness we provide the following comments:

- *2.1 Discrimination or vilification*

Not applicable.

The commercial depicts how the love of a child can motivate a new financial goal. In line with ANZ's proud history of LGBT inclusion, the parents in this case just so happen to be same sex. With same sex marriage legislation passed in 2018 and the rise of same sex family units in Australia, ANZ believes it is important to represent diversity and inclusion in its marketing and communications. The same sex couple in this commercial are in no way discriminated or vilified.

- *2.2 Exploitive & Degrading Sexual Appeal*

Not applicable.

There is no exploitive sexuality depicted in this commercial. While there is a playfulness between our parents as they humorously burst into song together, there is no sexual suggestion or degradation.

- *2.3 Violence*

Not applicable.

There is no violence or harm depicted within the TVC.

- *2.4 Sex, Sexuality and nudity*

Not applicable.

There is no sex or nudity depicted in the commercial. Having cast genuine LGBT talent, the sexuality portrayed is done with sensitivity and empathy.



- *2.5 Language*

Not applicable.

The commercial does not contain any offensive language.

We have been delighted with the support we have seen for this campaign, particularly from the LGBTQI+ community and broader allies who have welcomed the sensitive representation of same-sex parents.

Please let me know if you have any further questions or concerns.

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 complainants' concern that the advertisement depicts material contrary to prevailing community standards on health and safety.

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

The Panel considered whether the advertisement breached 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 the Red Nose Australia Safe Sleeping brochure which states:

"2 Sleep baby with head and face uncovered.

Your baby's face and head needs to stay uncovered during sleep as this reduces the risk of SUDI....You might decide not to use blankets at all and instead, use a safe baby sleeping bag: one with fitted neck and arm holes and no hood. Keep baby's head uncovered when indoors or in a car. Ensure baby has no head coverings, such as bonnets, beanies, hats or hooded clothing".

The Panel also noted the NSW Health - Safe Sleep for Newborns Information Sheet May 2016 which states:

"2 Sleep baby with head and face uncovered

Babies should be put to sleep with their face and head uncovered.

- *Face or head covering of any kind during sleep may obstruct breathing and overheat the baby".*

The Panel noted that the infant in the crib is depicted wearing a beanie. The Panel considered that Sudden Unexpected Death in Infancy is an issue of significant community concern, and that the two health agencies above recommend that infant do not have head coverings when sleeping.



In the Panel's view the advertisement does depict material contrary to Prevailing Community Standards on health and safety and that it did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Thank you for the notification on 19 February 2020 informing us that the Community Panel has upheld the complaint against our advertisement.

In your letter you gave us the opportunity to provide an Advertiser's Statement stating what has been done to modify/discontinue the advertisement. Here are the steps that have been taken:

The television advertisement has been taken off the air while changes are being made to the advertisement.

The advertisement is being edited to address the breach of Section 2.6 of the AANA Code of Ethics, which states that "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The edited advertisement will comply with the child safety requirements stated in the Red Nose Australia Safe Sleeping brochure and the NSW Health - Safe Sleep for Newborns Information Sheet May 2016, which are the two sources which were consulted by the Ad Standards Community Panel when determining whether there had been a code breach, as stated in the Final Case Report.

Once the advertisement has been edited to comply with all sections of the AANA Code of Ethics, we expect it to return to television on 15 March.