



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

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0067/19
2	Advertiser	Mitsubishi Heavy Industries
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/03/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a variety of people enjoying time in their own home. Including two people eating breakfast at a table, a woman helping her daughter put on goggles, then watching through a window as her daughter jumps in the pool and a couple preparing a meal in a kitchen. A voice over gives details on the benefits of the product.

THE COMPLAINT

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

The advertisement shows a 'mother' inside the house enjoying the air conditioning...looking through a closed window...whilst her 'child' is playing in the pool.

The objection I have is that implies that it is ok to leave your child unsupervised and untended around water....not the message that needs to be shown on TV especially with what other organisations are trying to do to reduce drownings around Australia.



THE ADVERTISER'S RESPONSE

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

Before the complaint is addressed, MHIAA would like to make clear that all employees and our advertising agency are very conscious of the dangers of leaving children unsupervised around water and the importance of parental supervision at all times.

The complaint is about the advertisement showing a child playing in the pool whilst her mother watches her from inside the home through the window and that the child is unsupervised and unattended around water.

The advertisement was developed to promote MHIAA, as the best brand for air conditioners as awarded by Choice. The reliability, superior technology, design and customer satisfaction has led them to win this award. It depicts every day Aussies going about their daily life and enjoying the Australia's hot summer climate all whilst trusting their homes are adequately cooled by their MHIAA air conditioner, providing a comfortable home life.

MHIAA is in no way endorsing that children should swim on their own without parent/guardian supervision. The advertisement shows that the child is confident around water, jumping in and is being supervised by her mother, as both the child and mother are engaging in communication with one another. The child looking at the mother and waving, the mother looking at the child, smiling and waving back. The advertisement shows that the mother never takes her eyes off the child.

In regard to the AANA Advertiser Code of Ethics, MHIAA refutes that the advertisement breaches any provision of Section 2:

2.1 Discrimination or vilification

The television advertisement does not discriminate in any way.

2.2 Exploitative and degrading

The advertisement is neither exploitative nor degrading.

2.3 Violence

There is no violence in this advertisement.

2.4 Sex, sexuality and nudity

There is no sexuality or nudity in this advertisement. The girl is in a full piece bathing suit however this is appropriate and acceptable for the scene which includes swimming, this is not demeaning or offensive.



2.5 Language

There is no unacceptable language used in the advertisement.

2.6 Health and safety

The child's health and safety throughout the filming was of the utmost importance. At all times throughout the filming the child was supervised; this included supervision within the backyard and within the boundary of the pool fence. As the pool and swimming shots are tightly cropped, you cannot see the full surroundings of the environment and the parent of the child who supervised her child the entire time throughout the filming.

Note also that in the scene identified during the complaint, the actor playing the child's mother was intently watching the child through the window and at no time averted her gaze or appeared distracted.

The ad has followed the guidelines issued by the Royal Life Saving Society of Australia regarding supervision of children around home pools and notes that the child being filmed was over the age of 5.

The television advertisement is due to end airing on 30 March 2019.

To conclude, MHIAA has acted responsibly and ethically in the filming and producing of the Choice Best Brand advertisement. We do not agree that we have breached any of the provisions of Section 2 of the AANA Advertiser Code of Ethics and that the complaint should be dismissed.

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 contained material which went against prevailing community standards on health and safety

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 the advertisement depicts a child



unsupervised in water and this is contrary to safety messaging around pool safety.

The Panel note the advertisement features a number of scenes of people enjoying air-conditioning in a house, including a scene of a woman watching her child in a pool through a window.

The Panel noted the advertiser's response that the advertisement depicts the child being supervised by the mother.

The Panel noted advice from Royal Lifesaving Australia that children under five should be accompanied by an adult within arms reach of the child, and that other children should always have an adult supervising them (https://www.royallifesaving.com.au/__data/assets/pdf_file/0015/4641/HomePool_A4Checklist2009_LR.pdf)

The Panel noted that the child in the advertisement to be older than five.

The Panel considered that the child was depicted wearing floatation devices and that she appeared confident around water. The Panel considered that the mother was seen to be supervising the child through the window and did not appear distracted or inattentive.

The Panel noted they had previously considered the issue of adult supervision in pools in case 0058/18, in which:

"The Panel considered that the advertisement clearly showed safety features such as a pool fence and there was nothing in the advertisement which suggested that the boys were unsafe. The Panel considered that the advertisement featured quite close frames of the boys and that the rest of the pool and pool area was not shown. The Panel considered that just because there was no adult shown in the advertisement, the overall effect of the advertisement did not suggest that the boys were unsupervised."

Consistent with the previous determination, the Panel considered that in the current advertisement the whole pool area could not be seen and that it was possible there was another adult outside watching the child. In any case however, the Panel considered that in the context of a brief scene in an advertisement, the depiction of a child over the age of five confidently entering a pool whilst being supervised by an adult through a window was not a depiction which would be contrary to prevailing community standards around pool safety.

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.

