



Case Report

1	Case Number	0070/16
2	Advertiser	Caputo and Sons
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/02/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a young boy reeling in a fish on a fishing line. We then see him pretend to cook a real piece of fish on a toy stove. The advertisement then shows the type of products available at SD Caputo and Sons and ends on an outside shot of the shop with contact details.

THE COMPLAINT

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

It starts off with a young boy with a fish on a rod. Next a young boy no older than 5-6 years old is cooking a fish fillet on the top of the stove. He puts his hand on top of the fish (in the pan) not a good look. Then a small boy no more than 3-4 years old takes a saucepan out of the oven. If these pans were hot this is not sending a good message for young children. Young children should be taught not to touch a hot oven or cook top. I hope you will look into this.

THE ADVERTISER'S RESPONSE

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

The emphasis of the advertisement is to show the wide range of fresh seafood that is offered by SD Caputo & Sons. The children that appear in the ad were added merely to provide a “cuteness factor” and to provide an interesting segue into the depiction of the products. The stove top and oven depicted in the TVC is a kid’s kitchen play-set. You’ll notice how small it is and the mock gauges/digital displays are stickers. This being the case, obviously there was no heat whatsoever, no steam or sizzle sound effects, and you can see the fish is still raw. Our overall argument in reference to the complaint is that TV advertisements are not meant to be taken so literally, particularly when presented in a way that is obviously a mock scenario. Again, the children in the TVC are there merely for “cuteness”. Every day, on every channel, in every market across Australian, young children are depicted in exaggerated and fanciful situations. Were this complaint to be upheld, it would have ramifications for future creative concepts involving children. Furthermore, the children in the TVC were using a toy play set intended (and marketed) for children. We feel that even if the complainant’s issue is legitimate, it is more to do with manufacturers of the toy kitchen than it is with SD Caputo. Also consider television shows like Channel 10’s Junior Masterchef; a show based on children actually cooking with heat.

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 concern that the advertisement depicts a young boy putting his hand in a hot pan to touch a piece of fish he is cooking and that this is not a good message to be sending to children.

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 complainant’s concern that the advertisement presents an unsafe message to children with regards to touching food in a pan and removing a pan from an oven.

The Board noted the advertiser’s response that the stove top and oven depicted in the advertisement are a child’s kitchen play set, not a real stove and oven.

The Board noted that in the opening scene we see a young boy standing at a cook top with a frying pan, fish and tongs and considered that in the Board’s view this scene looks real and the child could be standing on a chair. The Board noted that in a later scene it is clearer that the stove is a toy. The Board considered that it is not unlikely to consider that people will have a strong impression that this is a child cooking at a stove with no parental supervision. The Board noted that it is a community standard that children should be supervised by a responsible adult when cooking otherwise it is dangerous.

The Board also noted the scene showing the young boy touching the fish and considered that it is not immediately apparent that it is a child’s kitchen with no working parts. The Board considered that children would not normally play in a kitchen with real food, particularly not fish, and that this adds to the overall impression that the kitchen is real. The Board noted that

the boy places his hand in to a pan to touch a piece of fish and considered that the impression is that this is a depiction of a child cooking a real piece of fish in a real pan and in the Board's view the action of the boy placing his hand in the pan to touch the fish is likely to encourage children to copy this behaviour. The Board considered that the advertisement strongly suggests unsafe behaviour and is contrary to community standards on health and safety.

The Board noted the scene showing a boy taking a pan from the toy oven and considered that in this scene it is not clear that it is an oven the pan is being removed from and the boy's actions are unlikely to encourage children to remove hot items from an oven without supervision or appropriate protection.

Overall the Board considered that the advertisement did depict behaviour which is contrary to Prevailing Community Standards on cooking safety and determined that the advertisement 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

We acknowledge that the complaint has been upheld, and as such have taken action to remove the in-breach content, from the advertisement in question. Please find attached a draft of the modified ad, with proposed changes: All instances of children implied to be cooking have been removed. These have been replaced with child eating.