



Case Report

1	Case Number	0087/15
2	Advertiser	Kimberly-Clark Aust Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a baby named Larry waking up in his cot. Visuals then show Larry dozing in a pram being gently rocked by his mum, and waking up from his nap with a smile on his face. The advertisement continues showing Larry in different scenarios always happy and smiling. The voiceover goes on to say:

“Larry always wakes up from a nap happy. What’s his secret?” “Larry’s mum discovered Huggies nappies with the amazing DryTouch layer.”

THE COMPLAINT

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

The ad shows the baby waking up in its cot and the mother going to attend to it. The safety rail on the side of the cot is down. The rail is on the cot to provide safety for the child and I feel mothers could be influenced to believe the safety rail is not required to be engaged.

THE ADVERTISER’S RESPONSE

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

Before addressing the substantive issues, Kimberly-Clark Australia would like to make clear that both our employees and our advertising agencies are acutely aware of our responsibility to the community in relation to the standard of our advertising and as such we take any complaint seriously.

The “Happy as Larry” advertisement was developed to promote Huggies new DryTouch nappies, a product designed to ensure that baby’s skin remains as dry as possible leaving baby comfortable and therefore happy. In the advertisement, baby Larry is shown waking up from several naps throughout his day, happy, because his Huggies DryTouch nappy has kept him dry and comfortable allowing him to have uninterrupted sleep.

In the opening scene of this advertisement, we see Larry waking up in his cot from a day-time nap, smiling at his mum because his nappy has kept him dry and comfortable. In respect of the safety rail that is the subject of this complaint, we note that on the left-hand side of the cot, the safety rail is all the way up and on the right-hand side the safety rail is only partially down, but still higher than the bedside table. This was done so that the audience is able to clearly see Larry. Notwithstanding, at all times, the safety rail on the right-hand side was and was intended to be up high enough to prevent Larry from rolling out of his cot and/or climbing out and Larry’s Mum is also shown in this scene to be in very close proximity to both Larry and the cot.

Kimberly-Clark Australia is very alive to the fact that any communications to our consumers have the potential to influence their behaviours and in particular we recognise that our Huggies advertisements have the potential to influence Mums. Therefore, we always take utmost care to ensure that we do not depict scenarios that are unsafe, inappropriate or contrary to prevailing community standards, and this is particularly so in relation to health and safety.

It was not our intention in this advertisement to create a scenario whereby we encourage or influence parents to not engage a safety rail on a cot, nor was it our intention to call into question the health and safety of Larry or any other baby. Safety is of the utmost importance to Kimberly-Clark and something that we take very seriously each and every day. Further, as a testament to how seriously we take health and safety, we note that during the filming of this advertisement Kimberly-Clark Australia had a nurse on set at all times. These professionals are empowered to provide feedback to ensure the wellness and health and safety of the baby on set at all times. Had the safety rail been too low, we are confident that the nurse would have provided that feedback and that our staff on set would have implemented that change.

Prior to launching an advertisement and in line with our genuine desire to market our products responsibly and in a way that does not offend or contravene prevailing community norms, or show unsafe practices, we undertake extensive testing to ensure that they contain no offensive images or scenarios, and that they do not promote anything inappropriate. In line with that approach, we extensively tested the advertisement with 148 consumers who have babies aged 0 to 2 years. Consumers who viewed our 'Happy as Larry' advertisement did not raise any concerns, nor are we aware of any other similar complaints during the period which this advertisement was run.

Further, Kimberly-Clark Australia has a very engaged and interactive Huggies consumer base. On average we have 2,200 Huggies related consumer interactions per month. Since the release of this advertisement in September 2014, Kimberly-Clark Australia has not received any similar concerns or complaints.

For the reasons started above, we respectfully suggest that this advertisement objectively does not contravene Section 2 of the AANA Advertiser Code of Ethics nor does it offend against any other aspects of the code.

For the reasons started above, respectfully, the complaint should be dismissed in its entirety.

Kimberly-Clark is pleased to have has the opportunity to respond to the complaint and to confirm its support for the ASB and the codes to which it is subject.

Kimberly-Clark Australia markets numerous products and maintains the highest standards possible in promoting those products. We are serious about being a responsible corporate citizen and are always mindful that our advertising, or any other communication, should be acceptable to community standards.

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 shows one side of the cot with the safety rail down and that this is unsafe.

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 the advertisement features a young baby “Larry” shown awake in his cot as the mother enters the room to collect him from a day time nap. The right side of the cot shows the safety rail partially lowered but the left side rail is fully up.

The Board noted the complainant’s concern that the advertisement shows that rail down and that some parents or carers could be influenced into thinking this is safe behaviour.

The Board noted that there are Australian Safety Standards in place (AS 2172) regarding the manufacture and sale of cots. The Board noted that this standard itself does not provide a mandatory requirement to have the sides fully extended at all times.

The Board noted that there is ample documentation and support from organisations such as Sids and Kids regarding the recommendation to leave the sides of the cot up at all times while babies are in the cot so as to prevent them from falling or climbing out. The Board supports and endorses the advice of such organisations and acknowledges the safety issues surrounding this. In this particular instance, the scene was fleeting and the mother is in the room at the moment that the baby wakes.

The Board noted that the initial scene shows Larry awake in the cot but not making any attempt to climb out. The Board also noted that the mother enters the room from another part of the home. The Board considered that the baby is quite young and may not be able to climb or walk however it is not clear as to the age of the child or his developmental stage.

The Board noted the advertiser’s response that the side of the cot is down for the purpose of being able to view the baby clearly for the advertisement and that the baby was cared for throughout the advertisement. The Board noted there are potential dangers around leaving the side of a cot down but considered that the scene is fleeting and the mother responds very quickly to attend to the child. Overall, the Board agreed that is not a depiction that was contrary to prevailing community standards on child and cot safety and that in this context the depiction did not breach of section 2.6 of the Code.

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