



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0094/18
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/03/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Motor vehicle related

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a woman stating it was going to be a busy morning run, she is driving a car with a young girl and five sportspeople in the backseats. The woman picks up and drops off other sports players before being asked if it would be easier if her sports were all in the one place.

THE COMPLAINT

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

The child in the ad is incorrectly restrained by the seatbelt. The child has the seatbelt positioned across the base of her neck in a dangerous manner. Even though the child may be old enough to pass the legal minimum age to not use a booster seat she is too small to not be in one and the ad having the belt across the base of the neck promotes the incorrect use of seatbelts on children too small to get a safe seatbelt fit without a booster seat.

THE ADVERTISER'S RESPONSE





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

We refer to the Complaint made against Foxtel Management Pty Limited (Foxtel) which was received from the Advertising Standards Bureau (ASB) on 15 February 2018.

Description of the Advertisement

From the information provided by the ASB, we understand that the Complaint relates to a recent television advertisement from Foxtel's "We're a FoxSporting Nation" campaign (the Advertisement).

The campaign comprises various advertisements that celebrate Foxtel as the home of more than 40 different sports codes. The campaign brings together stars across these sports to showcase the depth and breadth available all in the one place, only on Foxtel. The concept underpinning the campaign is that families and sport go hand to hand in Australia. The Advertisement brings this premise to life by recreating the weekly ritual of families across the country and the Saturday morning sports run, but featuring our sporting heroes. From Darius Boyd getting a lift to Suncorp Stadium and Boyd Cordner to Allianz Stadium, the commercial asks the question "wouldn't it be easier if your sports were live and all in the one place?" highlighting the comprehensive line-up of sport on Foxtel.

The Advertisement was approved by the Commercials Advice (CAD reference: G5GGZMPA) for broadcast on free-to-air channels and was assigned a "G" placement code.

A digital copy of the Advertisement is attached for your reference.

The Complaint

The Complaint includes the allegation that "the child in the ad is incorrectly restrained by the seatbelt...she is too small to not be in [a booster seat]...and...promotes the incorrect use of seatbelts on children too small to get a safe seatbelt fit without a booster seat".

Applicable provisions of the AANA Code of Ethics

The Complaint relates to Section 2 (Section 2) of the Australian Association of National Advertisers Code of Ethics (the Code).

Section 2.6

The ASB has raised Section 2.6 of the Code (Section 2.6) as the applicable provision in



the context of this Complaint. Section 2.6 requires that:

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

The Advertisement portrays a scene where a child is seated in a car alongside two National Rugby League players, Cooper Cronk and Sam Burgess. We note that the child talent featured in the Advertisement was 8 years of age at the time of filming the Advertisement.

In accordance with national child restraint laws, children over 7 years of age but under 16 years old must use either:

- an approved booster seat and be restrained by a seatbelt that is properly adjusted and fastened, or*
- an adult seat belt that is properly adjusted and fastened.*

As the child talent is over 7 years of age and is depicted in the Advertisement wearing a properly adjusted and fastened lap and sash seatbelt, Foxtel submits it is compliant with Australian legislation. Foxtel considers that the seatbelt is properly adjusted and fastened as the child talent is able to sit with her back against the vehicle seat; her head is positioned correctly against the head rest; the lap belt is sitting low across her hips; and the sash belt is sitting across her shoulder.

Regarding the production of the Advertisement, Foxtel notes that a safety officer, child supervisor and one of the child talent’s parents were present for each shoot day to ensure it was produced in a controlled and safe manner. As such, we believe that the filming of the Advertisement was consistent with road safety practices.

For the above reasons, we do not consider that the Advertisement depicted any material contrary to prevailing community standards on health and safety and therefore does not breach Section 2.6 of the Code. Further, we submit that the Advertisement does not breach any other provisions of the Code.

Foxtel takes the Complaint very seriously and regrets any distress unintentionally caused to the complainant.

To the best of our knowledge, after conducting reasonable enquiries, neither Foxtel nor Fox Sports have received any complaints directly regarding this.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).



The Panel noted the complainant's concern that the advertisement depicted a child not properly restrained in a vehicle.

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

The Panel 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 Panel noted the television advertisement showed a woman picking up and dropping off sports players to different locations, before one of the players questions if it would be easier if all her sports were in the one place. You then see her and her family sitting down to watch TV.

The Panel noted the complainant's concern that a child has a seatbelt across her neck in a dangerous manner and that she is too small not to be in a booster seat.

The Panel considered the scene at the start of the advertisement which depicted six people in the backseats of a vehicle, including a young girl.

The Panel noted the advertiser's response that the child in the advertisement is 8 years old and is wearing a seatbelt which has been properly adjusted for her height and is consistent with Australian legislation.

The Panel considered that the seatbelt the girl is wearing appears to be across her shoulder and chest, not her neck, and considered that this would be consistent with prevailing community standards on health and safety for a child of that age.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

