



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0108/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Latter Day Saints Church</b>
<b>3</b>	<b>Product</b>	<b>Religion/Beliefs</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/03/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

## DESCRIPTION OF THE ADVERTISEMENT

The Ad is essentially a mother and father interacting with a young child, including playing with the child and walking with him on a beach, while a voiceover reads a verse of scripture regarding the importance of children. A digital copy of the Ad is attached and can be linked to above.

<https://vimeo.com/user11846593/review/196788022/d773e15821>.

## THE COMPLAINT

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

*My objection is that the child is being swung from its hands, swaying back and forwards. This practice has been considered as very harmful and dangerous to children. In earlier years it was a common practice but now medicos have outlawed this. SO WHY IS THIS BEING SHOWN?  
IT'S DANGEROUS.*

## THE ADVERTISER'S RESPONSE

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

*The complaint alleges the Ad violates Section 2.6 of the AANA Code of Ethics by showing a mother and father lifting their child by his arms. Section 2.6 prohibits “material contrary to Prevailing Community Standards on health and safety.” The AANA Practice Note for Section 2.6 states “advertisements depicting unsafe practices or images, such as riding down a hill in a wheelie bin, using a mobile phone while driving or apparently hiding in a chest freezer, etc., are unacceptable.” The lifting of a child by his mother and father, even in a playful fashion, does not rise to the level of an “unsafe practice or image” contrary to Prevailing Community Standards.*

*First, unlike the specific examples cited in the Practice Note, injuries related to the lifting of young children by their arms – commonly referred to as “nursemaid’s elbow” – are not life threatening and do not involve long term damage. According to KidsHealth.org, “[a] child with nursemaid’s elbow has some arm pain when the injury happens, but it doesn’t cause long-term damage.” In fact, the injury is short-lived and the treatment simple and effective.*

*Second, while nursemaid’s elbow is well known and understood, the likelihood of occurrence is small. In a recent study published in the West Journal of Emergency Medicine it was noted there were 1,228 cases of nursemaid’s elbow over an eight year period and out of more than 240,000 cases of pediatric age children reporting to an emergency room for treatment. Using these numbers, less than 1% of children reporting to the emergency room were treated for nursemaid’s elbow. As Dr. Amir Khan of Doctify stated, “[i]n my experience I have seen very little incidences of direct injury to the shoulder and elbow joint as a result of children swinging by their hands holding onto adults.”*

*Dr. Kahn noted, however, “that parents or guardians need to exercise common sense and care when playing with children.” As the Ad clearly demonstrates, the adults exercised such common sense and care when lifting their child. He was not harmed. Lifting children by their arms is incredibly common. Therefore, there is no merit to the contention such action is contrary to Prevailing Community Standards on health and safety.*

*Even if it did depict material contrary to the standards, which Boncom vigorously denies, Boncom discontinued the Ad on television as of February 26, 2017.*

*Finally, the Ad complies with Sections 2.1-2.5 of the AANA Code of Ethics. The Ad does not discriminate against any person, does not employ sex appeal in any way, let alone an exploitative and degrading way, does not portray violence, does not involve sex, sexuality or nudity and does not use strong or obscene language. In all respects, the Ad is consistent with the AANA Code of Ethics.*

*If there is additional information Boncom can provide, please let me know.*

## **THE DETERMINATION**

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement depicts dangerous behaviour of swinging a child by his arms.

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 that this television advertisement features a couple and a child. The voice over reads from the book of Mormons and the mother and child are seen in the home and around. The mother and father are seen walking along the beach and holding the child’s hands. They then lift and swing the boy forward.

The Board noted that the advertiser provided additional information from KidsHealth.org regarding the condition of “nursemaids’ elbow” and in particular noted the article explains that “a child with nursemaid’s elbow has some arm pain when the injury happens, but it doesn’t cause long-term damage.”

The Board noted that the action shown in the advertisement is not an aggressive or violent act. The Board noted that the action of swinging a child by their hands with arms extended can actually lead to injury to the shoulder or elbow as referred to in the above report.

The Board noted that the overall tone of the advertisement is one of kindness and love and that in the context of an advertisement promoting the importance and blessing of children, the advertisement is not depicting material that is contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

The Board noted that the advertisement was withdrawn from television as of 26 February 2017.

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