



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0119/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Johnson &amp; Johnson Pacific Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Toiletries</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>01/05/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens on a shot of a boy and a girl aged around 5-6 years old building a sand castle at the beach. The boy has a BAND-AID® on his lower left leg and right arm near his elbow and the girl has a BAND-AID® on her lower right leg. Then the boy sings “I’m stuck on BAND-AID® brand, cos BAND-AID®’s stuck on me” while he is sitting on a rock playing a Ukele and the girl picks up a toy star fish on the rock pools. The jingle continues as the girl sings “I’m stuck on BAND-AID® brand, cos I hit a stick at sea” in front of the sand castle. The camera then shows the boy digging a small channel in the sand which is revealed to represent QUILT-AID™ channels. The children are in shot for about 13 seconds in this opening sequence. Then there is a product demonstration as the narrator voiceover says, “only BAND-AID® comes with QUILT-AID™, the unique quilted pads that draws fluid away and prevents sticking to the wound when it’s time to remove” which runs for 6 seconds without the children in the shot. The Advertisement closes with shots of the children on the beach for about 9 seconds and a range shot of the BAND-AID® products, Tough Strips, Tough Strips Waterproof and Plastic.

### THE COMPLAINT

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

*For the past 30 years the Australian government has been trying to educate parents to the dangers of our depleted Ozone layer, and of children going unprotected under the Australian sun. This Johnson & Johnson ad presents two very young children, around four to five years*

*old, exposed to the sun without hats or appropriate cover for their arms and legs, while playing on the beach.*

## **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 received from the Advertising Standards Board ("ASB") dated 4 April 2013.*

*We have considered the complaint and the relevant provisions of the Australian Association of National Advertisers Code of Ethics (the "Code") and submit that the BAND-AID® QUILT-AIDTM advertisement (the "Advertisement") the subject of the complaint complies with the Code for the reasons set out in this letter and therefore the complaint should be set aside.*

### **THE COMPLAINT ABOUT THE ADVERTISEMENT**

*We refer to the complaint received by the ASB and provided to us. The complaint objects to the children being "exposed to the sun without hats or appropriate cover for their arms and legs while playing on the beach." The ASB has referred us to 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 Health Standards on health and safety".*

### **OUR RESPONSE TO THE COMPLAINT**

*We submit that the Advertisement does not breach Section 2.6 of the Code or any other section for the reasons below.*

### **A COMBINATION OF PROTECTIVE MEASURES**

*Prevailing Community Standards on health and safety would accept that it is widely understood that a combination of protective measures should be used to shield skin from the sun's rays. That includes the use of a broad-spectrum sunscreen, seeking shade when possible, wearing clothing and avoiding the hottest parts of the day.*

*We had a Registered Nurse on set while the Advertisement was filmed to ensure that the children were appropriately protected. The Registered Nurse confirmed to us in writing at the close of filming that:*

- the children were covered in 30+ SPF sunscreen and that was re-applied every 2 hours;*
- when not required on set the children were in a tent in the shade with water and ventilation;*
- they were shielded by umbrellas when off-camera;*
- the children's parents were on set at all times and the parents confirmed that neither child was sunburnt at the end of the day.*

*In addition, at all times in the Advertisement the boy is wearing long shorts and a t-shirt and the girl is wearing a top and shorts.*

*The children were therefore protected from the sun in a number of ways.*

### **SNAPSHOT OF TIME AND SHORT DURATION IN THE SUN**

*The Advertisement runs in its longest form for 30 seconds and there is a shorter 15 second version which is not intended to, and does not, depict an entire day or a long period of time at the beach or in the sun. The Advertisement captures a snapshot of time, in a light hearted and fun way while the children sing the jingle and the sand at the beach is used to illustrate the benefits of the BAND-AID® QUILT-AIDTM product.*

*The Advertisement should be viewed in context that although the location is the beach, the fact that the children are wearing clothes and not swimming costumes at the beach indicates that they are not spending a long period and certainly not a day at the beach and are outside*

*for a short duration.*

#### **PURPOSE OF THE ADVERTISEMENT AND PRACTICAL ASPECTS**

*The purpose of the Advertisement is to inform the public, and in particular parents about the new BAND-AID® QUILT-AID™ product. The product helps heal and protect wounds and through its design the unique quilted pads draw fluid away and prevents sticking to the wound when it's time to remove the BAND-AID®, a matter relevant to parents who would like to minimise discomfort to their children.*

*Our data shows that use of BAND-AID® products by children increases during the warmer months when children are wearing shorts and t-shirts and are more likely to get a cut. For that reason the Advertisement shows the children in typical shorts and tops. Additionally, if the children were wearing long sleeves and long pants then the viewer would not be able to see use of the BAND-AID® QUILT-AID™ product.*

*We add that the children are not wearing hats so that the children's faces can be seen by the viewer and are not obscured. As discussed above, there were a number of other protective measures taken with respect to sun care.*

#### **PREVAILING COMMUNITY STANDARDS ON HEALTH AND SAFETY**

*We encourage parents to consider the range of protective measures for sun protection, such as applying and reapplying sun screen and subject to each situation's relevant circumstances, including time of day and length of time outside. We would add that in Australia during the warmer months when children are outside they generally and often wear shorts, tops and t-shirts. To dress them in clothing that completely covers their bodies at all times is not in line with Prevailing Community Standards on health and safety and as discussed above it is accepted that there are a range of protective measures to be taken, and were in fact taken in filming the Advertisement.*

*The AANA 2012 Code of Ethics Practice note provides examples in relation to section 2.6. It states:*

*"Images of bike riding without helmets will be contrary to prevailing community standards relating to health and safety. Similarly, advertisements depicting unsafe practices or images, such as riding down a hill in a wheelie bin, riding in a car without seat belts etc are unacceptable."*

*The examples given by the AANA to advertisers of what not to depict are very serious and dangerous acts. We submit that the Advertisement is not in that class for the reasons we set out in this letter and therefore not in breach of the Code.*

*We also note that if the complaint is upheld, then by implication every advertisement showing people (children or adults) outside during the daytime for any amount time, however short, without hats or long sleeves and long pants may be in breach of section 2.6 of the Code and all future advertisements of all advertisers that show people outside during daylight hours should wear hats, long sleeves and long pants. We submit that is not in line with Prevailing Community Standards on health and safety.*

*Further, if the Advertisement is found to have breached Section 2.6, then also by implication each time a parent or guardian has a child with them outside during daylight hours and they are not wearing a hat or long sleeves and long pants then they would be in breach of Prevailing Community Standards on health and safety and we submit that is not the case and not in line with community standards as each case depends on context, surrounding circumstances and the protective measures that have been taken.*

#### **THE RELEVANT AUDIENCE**

*The relevant audience for the Advertisement is mothers 25 – 54 with children. The script and media timeslots purchased were directed to that audience, as demonstrated by the media schedule, and program list for the campaign.*

*As the Advertisement is directed at parents to provide them information about the BAND-*

*AID® QUILT-AIDTM product, we submit that it would not encourage parents to spend an inappropriate amount of time outside with their children without taking appropriate actions. We also submit that parents viewing the Advertisement would understand that a number of factors are relevant, such as the range of protective measures that can be taken when in the sun as discussed above, including the use of sunscreen, using shade, the time of day and the length of time outside.*

#### **RESEARCH WITH PARENTS**

*The Advertisement was also tested with parents before filming. This testing reflected no concerns with the attire of the children, or sun protection. The wardrobe subsequently used for the live TV shoot was representative of the attire used in that research.*

#### **CONCLUSION**

*For the reasons set out above we submit that the Advertisement complies in all respects with the provisions of the Code (including the Codes incorporated therein), and in particular Section 2.6 of the Code.*

*We respectfully ask the Advertising Standards Board to set aside the complaint it has received.*

### **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 concerns that the advertisement sends a message about sun protection which is contrary to prevailing community standards on health and safety.

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 advertisement is promoting a new product for Johnson and Johnson, the BAND-AID QUILT-AID. The Board noted that the complainants concerns relate to the exposure that the children would have to the sun without hats on or cover for their arms and legs.

The Board noted that the advertisement features a very young girl and boy playing in the sand in a typical scene of active play that commonly takes place at beaches around Australia.

The Board noted the advertiser’s response that there was a registered nurse available on set while the advertisement was being filmed and also the parents of the children. The Board also noted that the advertiser confirms that a combination of measures including the application of sunscreen, and the provision of shade and water when off camera were taken throughout the length of filming to ensure the safety of the children and that they were suitably protected from the sun.

The Board noted that there is a very strong community concern about sun protection and appropriate measures that should be taken in order to protect children and adults alike from the harmful effects of too much unprotected sun exposure. The Board agreed that it is

preferable to show children wearing hats and shirts but considered that there is no suggestion that the children are not being sun safe and that the depiction of children playing on the beach wearing shorts and t-shirts but no hat does not amount to actions that are contrary to prevailing community standards on health and safety.

The Board determined that the advertisement does not breach section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.