



Case Report

1	Case Number	0137/15
2	Advertiser	Dads 4 Kids
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	29/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

There are many various scenarios shown and each with a setting between a father and child. One scene includes footage of a young boy pushing a play plastic lawn mower alongside an operating lawn mower.

THE COMPLAINT

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

Although I completely understand this advertisement however, this is NOT a good promotion to put on TV for those children who do not have a Dad around for numerous reasons.

Here is one example of why I want this ad removed from TV:

My 5 yr old son's Dad left us when he was only 3 months old. Never had any contact. He has viewed this ad so many times and each time he has been extremely upset and I have to explain to him why his Dad left. Now this is very heartbreaking for me because not only is it painful for me to remember him, I have to also deal with my poor little boy who wants a Dad more than anything. Clearly not something I can fix over night.

Reason 2: After speaking to his school teacher regarding this, she is 100% agreeing with me as her 2 sons's lost their Dad to cancer. So they too feel it.

It really is a kick in the teeth for those kids who don't have a Dad. It's like saying "here kids

without Dads, look what you get to miss out on"

NOT FAIR. I WANT IT REMOVED.....

Promoting that it is ok for a child to place themselves in eminent danger!

I find this to be a blatant disregard to the safety of the child ad he is dangerously quite close to an operating lawnmower and can easily be on the receiving end if a projectile from the blades of the mower. This places in the mind that the practice is acceptable and a child could be maimed for life if struck by a projectile at such a close proximity. The manufacturer has set a standard safe distance for pets and children to be away from the operating mower this ad totally makes a mockery of this and portrays the notion that it is ok for a child to place themselves in a dangerous position that could jeopardise their safety

THE ADVERTISER'S RESPONSE

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

The goal of Dads4Kids is "to make excellence in fathering the norm of everyday life in Australia."

Dads4Kids is a charity and receives no financial support from the government.

Advertisements created by Dads4kids are community service announcements, the purpose of which is to encourage both fathers and mothers to love their children. As the advertisements are community service announcements, the times in which they are aired on national and regional television is not able to be controlled.

Dads4kids has been requested to respond to a complaint alleging a breach of Section 2 of the AANA Advertiser Code of Ethics, in particular section 2.6 Health and Safety. Sections 2.1 to 2.5 inclusive do not form part of the complaint and on review have not been breached by the Dads4kids advertisement "Love your Children" and therefore will not be covered in any detail other to state the following.

The advertisement for which the complaint has been lodged is titled "Love your Children", which was designed to create awareness and help bring change. The advertisement is sixty seconds in duration and depicts a number of everyday events between a father and their child. The depictions remind viewers of the dependence children have on their parents and the necessity for a close and loving relationship. Dads4kids concedes the depictions may "tug on the heart strings" of their viewers to varying extents. The purpose of the advertisement is to promote and remind viewers of the importance of fathering in a child's life.

Dads4Kids believes that all people in society: men, women and children need to grasp that fathers, as well as mothers, are important in the life of a child. It should be noted that Dads4Kids has community service television advertisements supporting and applauding the

vital role that mothers play in children's lives also.

Response to complaint:

The object of the Advertising Standards Bureau code states:

“to ensure that advertisements and other forms of marketing communications are legal, decent, honest and truthful and that they have been prepared with a sense of obligation to the consumer and society and a sense of fairness and responsibility to competitors.”

Section 2.6 of the code states;

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

It is submitted that the Dads4kids advertisement “Love your children” complies with the object of the code and does not breach section 2.6.

The depiction in the advertisement that is being challenged illustrates what can fairly be described as an everyday or normal event in which a child is mimicking their father mowing the lawn. The child is pushing a toy lawn mower whilst the father is depicted as mowing the lawn with a Victa two stroke lawn mower.

Dads4kids takes issue with the following parts of the complaint as they are misleading or incorrect;

1. *“A display of a total disregard to child safety WHEN : several different times”
The section of the advertisement in which the complaint is made runs for 2 seconds and cannot depict several breaches of safety, which are not detailed in the complaint.*

2. *“footage of a young boy pushing a play plastic lawn mower alongside a presumably operating lawn mower this is encouraging young boys to do the same.”*

The young boy is not alongside the lawn mower, but is adjacent to the rear of the lawn mower at a distance where the child's safety is assured. It is of note that the child is under the supervision of his father. The lawn mower when filmed was not operating and the sound was dubbed into the advertisement later to ensure sound quality. It is conceded that viewers would interpret the mower as operating based on the insertion of the sound.

3. *“Promoting that it is ok for a child to place themselves in eminent danger! I find this to be a blatant disregard to the safety of the child ad he is dangerously quite close to an operating lawnmower and can easily be on the receiving end if a projectile from the blades of the mower. This places in the mind that the practice is acceptable and a child could be maimed for life if struck by a projectile at such a close proximity. The manufacturer has set a standard safe distance for pets and children to be away from the operating mower this ad totally makes a mockery of this and portrays the notion that it is ok for a child to place themselves in a dangerous position that could jeopardise their safety”*

The child is not in imminent danger. The Collins dictionary defines “imminent” as “liable to happen soon or impending”.

The child is not “dangerously quite close to an operating lawnmower and can easily be on the receiving end if a projectile from the blades of the mower.” The child is not in a position where he could “easily be on the receiving end if a projectile from the blades of the mower”. As previously stated the child is adjacent to the rear of the lawn mower at a distance where the child's safety is assured, even more so than the operator. In addition the mower has a catcher attached which adds additional safety.

4. *“The manufacturer has set a standard safe distance for pets and children to be away from the operating mower this ad totally makes a mockery of this and portrays the notion that it is ok for a child to place themselves in a dangerous position that could jeopardise their safety”.*

The lawn mower in the advertisement is a two stroke, Tornado Classic Plus Victa, model number VS160. Attached and marked exhibit “D4K-1” is an excerpt of the “Operating Instructions” from the said mower. Also attached and marked exhibit “D4K-2” is an excerpt from the “Victa Lawnmower Assembly and Owner’s manual”. (included in papers). The relevant section in the document DK4-1 states “keep hands, feet and clothing away from rotating parts”, which both participants in the advertisement do not contravene. The document titled DK4-2 contains a diagram which depicts the vicinity in which a person is permitted to stand whilst operating the lawnmower. The vicinity which the picture depicts for the operator is behind the lawnmower is beside the lawnmower. The diagram also depicts the position where a bystander is not permitted to stand (within 15 metres to the side of the lawnmower).

The document where relevant states;

- *“do not mow while people or pets are in the vicinity of the mower or within the mowing area. Ensure bystanders are a minimum of 15 metres away”*

- *Do not mow in bare feet or open shoes. Wear long pants and heavy footwear. It is submitted that the child in the advertisement is standing in the vicinity which the diagram depicts as allowable, as is his father. In accordance with the Owner’s Manual, the child is wearing long pants and heavy footwear. In addition the child is wearing protective eyewear, a hat and a long sleeve shirt.*

Conclusion

In conclusion, the Dads4kids organisation is a charity and the advertisement “Love you children” is televised as a community service announcement. Dads4kids maintains that the advertisement has not breached section 2.6 of the code and therefore does not depict material contrary to Prevailing Community Standards on health and safety.

The complaint is without merit and should be dismissed.

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 complainants’ concerns that the advertisement shows a man pushing a lawnmower and next to him is a child imitating with a toy lawnmower and that this behaviour is very dangerous. The Board also noted the complainants concern that the advertisement is distressing for children who do not have a father in their lives.

The Board viewed the advertisement and noted the advertiser’s response.

The Board noted that although the advertisement might be upsetting to some members of the community due to personal experiences, this is not an issue that is covered by the Code and the Board is unable to consider this aspect of the advertisement.

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 advertisement features a scene of a man pushing a lawn mower with a boy pushing a toy lawnmower alongside him. The advertisement shows several other scenes of children with their Dads doing other activities such as surfing and playing.

Throughout the advertisement the children all say “Dad” in some way. The advertisement ends with the logo, Dads 4 Kids.

The Board noted that the scene with the lawnmower is very brief and is not the central focus of the advertisement. The Board considered that most members of the community would understand that the purpose of the advertisement is to reinforce the importance of father figures in the lives of children and that the scenarios shown are everyday activities that families and friends partake in.

The Board acknowledged that advertisers should take care not to show unsafe practices but considered in this instance the scene depicting the boy pushing the mower close to the man is not condoning or encouraging poor safety behaviours and agreed that the child is not in any danger.

The Board noted the operational guide for the lawnmower suggests people and pets are not in the vicinity of the mower and that bystanders are a minimum of 15 meters away. The Board considered that in the current advertisement, the scene of the man mowing was very fleeting and based on the overall tone and impression of the advertisement, the Board felt that the safety of the child was not in doubt and that the fleeting scene did not endorse or encourage unsafe operation of a power tool. The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not depict material which would be in breach of Section 2.6 of the Code.

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