



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0159/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Nestle Australia Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/05/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety      Unsafe behavior

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens on a mum watching her toddler from the kitchen as she makes up a cup of NAN Pro 3 Toddler Milk. The toddler plays with the family dog which is chewing on a dog toy. Having dropped the dog toy, the toddler picks it up attempting to mimic the dog and moves it to her mouth. Having seen this, the mum offers the toddler the cup of NAN Pro 3 toddler milk as a swap for the dog toy.

### THE COMPLAINT

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

*As a mother and a vet I don't think it is appropriate to show a toddler taking a toy bone out of a dog's mouth. This is unsafe behaviour and given the increase in dog bites gives a misleading example to the general public about how children and dogs should interact.*

### THE ADVERTISER'S RESPONSE

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

*Nestlé has considered the Advertisement under the AANA Advertiser Code of Ethics (Code of Ethics) and specifically section 2.6 of that Code which provides that “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”*

*Nestlé has also considered the AANA Code for Advertising and Marketing Communications to Children and the AANA Food and Beverages Marketing and Communications Code and consider that the Advertisement complies with those codes in all relevant aspects.*

#### *The Complaint*

*The specific concern raised by the Complainant is that the Advertisement is inappropriate to “show a toddler taking a toy bone out of a dog’s mouth. This is unsafe behaviour and given the increase in dog bites gives a misleading example to the general public about how children and dogs should interact.”*

*Nestlé respectfully submits that the Advertisement is neither inappropriate nor misleading in its depictions for the following reasons.*

#### *Background and the Advertisement*

*The product being advertised, NAN Pro 3 Toddler milk, is a formulated supplementary food for young children (1-3 years of age) to be consumed when energy & nutrient intakes may not be adequate.*

*NAN Pro 3 toddler milk contains Bifidus BL, a probiotic that helps support immune & digestive systems.*

*The TVC focuses on demonstrating the immune benefits of the product and was created to show that Nan Pro Toddler 3 helps support toddler immune systems. As such the context of the Advertisement is to show our toddler in a common everyday scenario where immune support is relevant.*

#### *Alleged breach under section 2.6 of the Code of Ethics*

*We do not believe the Advertisement breaches section 2.6 of the Code of Ethics. This section requires specifically that any advertising or marketing materials shall not depict material contrary to Prevailing Community Standards on health and safety.*

*With respect to the complainant’s allegation that the Advertisement shows a toddler taking a toy bone out of a dog’s mouth, we wish to first clarify that the toddler does not remove the toy from the dog’s mouth, rather the toddler picks up the toy from the ground after the dog has discarded it and lost interest.*

*In considering what the relevant “prevailing Community Standards” are with regards to promoting responsible pet ownership and safety aspects of having children around dogs, we have reviewed many available resources on the topic.*

*We note dogs are generally regarded as an ideal family pet for families with children. The dog specifically chosen for this advertisement is a golden retriever, which Petnet ([www.petnet.com.au](http://www.petnet.com.au)) describes as “gentle, affectionate and ultra-patient, he makes an outstanding children’s playmate.”*

*As is highlighted by the messaging and voiceover in the Advertisement, the product contains certain ingredients including Bifidus BL, a probiotic that helps support immune & digestive systems in toddlers. The Advertisement focuses on a toddler picking up a dog toy and is also about to chew on it. Nestlé’s intention in the Advertisement was to depict toddlers in real-life situations in their home which might compromise a toddler’s immune system. That families with toddlers also have dogs is a very common occurrence and it is not unusual that toddlers put things in their mouths they shouldn’t. We have tried to depict this scenario in the most appropriate way we can.*

*On review of a number of online resources around responsible pet ownership including the RSPCA, Kidsafe, and detailed information provided by the Royal Children’s Hospital in Melbourne “Dogs ‘n Kids – A resource kit for health professionals promoting dog bite*

*prevention and socially responsible dog ownership” all of which encourage including a dog as part of the family. The key point highlighted in all resources governing safety is that children and dogs should always be supervised. In line with this recommendation, the Advertisement clearly depicts the mother supervising her daughter at all times with the dog and at the point at which the toddler attempts to do something which might potentially be unsafe – the mother intervenes, removing the dog toy from the toddler and replacing with the product in a sip cup. At no time is the toddler shown to be left alone with the dog. For your assurance of safety during the filming of the Advertisement, we also note the trainer of the dog was at all time on set during the shooting of the Advertisement. It is important to note that dogs fit differently into individual families and it is always at the discretion of the responsible pet owner to determine how appropriate their dog is and level of interaction with their children. In this regard Nestlé submits that the Advertisement is entirely consistent with all relevant sections of the Code of Ethics and prevailing community standards on responsible dog ownership and associated safety considerations around ensuring that pets and children are always monitored when together as recommended. It is for the above reasons that we respectfully disagree the Advertisement are in contravention of Section 2.6 of the Code of Ethics and can see no basis for the complaint. We respectfully request the complaint 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 complainant’s concern that the advertisement depicts unsafe behavior and gives a misleading example of how children (toddlers) should interact with dogs.

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

The Board considered whether the advertisement was in breach of 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 advertiser’s response that the advertisement was made in a controlled environment, that the trainer of the dog was present and that the child was supervised at all times during the interaction with the dog.

The Board noted that the intention of the advertisement is to set a scene that is realistic and common in many households across Australia and to highlight the benefits of the NAN Pro 3 toddler milk, for helping to support immune and digestive systems.

The Board considered that there is a genuine community concern regarding responsible pet ownership and the interaction of children around dogs and other family pets, but that most parents would be aware of the need for supervision.

The Board considered that in this instance the toddler is clearly being supervised, and the advertisement does not encourage or condone children to be left unattended in the home with the pet dog.

Based on the above, the Board determined 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 Board dismissed the complaint.