



Case Report

1	Case Number	0179/12
2	Advertiser	Blackwood Park
3	Product	Real Estate
4	Type of Advertisement / media	TV
5	Date of Determination	23/05/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement begins with a young married couple leaving their car to walk along what appears to be a country track. The sound track is a blues-type song with the words "Over my head, I hear music in the air" which continues throughout the commercial and is the only spoken word. The couple continue their walk up a rise through woodland to arrive at a cleared pasture of cropped, green grass. There are gum trees in the background. They sit down and unfold white paper bags that they place carefully around the field. As dusk approaches, they carefully place lit tea-light candles in the bags and sit back to observe their handiwork. We see that the tea-lights have outlined a house and the commercial ends with the Blackwood Park branding and website address.

THE COMPLAINT

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

We live in a bush fire prone country. Lighting candles in the bush especially in a paddock of dry grass is highly irresponsible. They obviously are not members of the CFS or they would have thought twice.

THE ADVERTISER'S RESPONSE

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

The Adelaide Development Company (ADC) has been responsible for the development and marketing of the Blackwood Park residential estate for some 12 years. To date there are 750 established homes and opportunity for a further 450 homes.

Blackwood Park is considered to service the premium end of the new home market in Adelaide and is differentiated from the competition by its location and environment within the southern Adelaide Hills region. It comprises significantly sloping sections surrounded by equally significant gum trees and other native tree species.

ADC consider the sloping aspect and surrounding bushland to be the project's fundamental points of difference and are greatly protective of both.

The 'Couples' television commercial portrays and focuses on these aspects of the project's offer. Great care was taken in the filming of the commercials to ensure that no real or perceived risk to the property's natural features would be suggested. In considering the use of tea-lights to outline the young couple's 'dream', the company and its advertising agency, were mindful that the couple should be seen to do this in a safe situation which is why the scene is located in a closely cropped field of green grass during winter and not, as described in the complaint, as "... 2 people walking into a very dry bush, with high grass, and lighting a lot of small candles..."

As the commercial clearly shows, the couple walk through the woodland area to arrive at the cropped field where they outline their dream. Furthermore, emphasis on the care with which this is done is clearly portrayed.

In our experience, most buyers of land spend time marking out their new dream home outline on a vacant allotment. This ad is simply a romantic reflection of this process. In a similar manner, we have another commercial (reference: GUWL2REA) that shows a family outlining their new dream home on a vacant allotment with household goods. The two commercials rotate evenly throughout the media schedule. We believe that this provides context in relation to the activities portrayed in the commercials.

It is relevant to note that our advertising agency, Black Sheep Advertising, also work on behalf of the SA Country Fire Service (CFS) and are particularly familiar with and conscious of fire risk. ADC has also continuously liaised with the SA CFS throughout the development during its design and construction to ultimately provide a safe Estate.

We believe that the commercial has been criticised inaccurately and wrongly portrayed and that the complaint is, therefore, invalid. We note that the complainant has withheld their details, and trust that this is not just mischievous action by a competitor or disgruntled neighbour.

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 irresponsible behaviour.

The Board viewed 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 that the advertisement features a couple placing lit candles in the outline of the house they want to live in and that these candles are placed in an outdoor, bush environment.

The Board noted that there is strong community concern surrounding the dangers of bushfire and a minority of the Board considered that it is not appropriate to show candles unattended in the bush regardless of the marketing message.

The majority of the Board however considered that the use of the candles is symbolic and is not behaviour which would be likely to be replicated by members of the community. The Board considered that the advertisement does not encourage or condone the use of candles in the bush and that the advertisement does not present material which would be contrary to prevailing community standards around bush safety.

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.