



Case Report

1	Case Number	0197/12
2	Advertiser	Mars Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	13/06/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behavior

DESCRIPTION OF THE ADVERTISEMENT

A train is careening out of control in the snow capped mountains that requires someone to climb onto the carriage to sever the brakes and save the day. Despite having a number of natural heroes onboard, everyone turns to the guy eating the Mars bar to step up to the challenge because with a Mars comes great responsibility.

THE COMPLAINT

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

Mars bars promoting responsible train surfing? This advert only aimed at teenagers who may link their product to (responsible?) train surfing. I find it ridiculous that advertising executives can get away with such rubbish before ads like this actually go to air.

THE ADVERTISER'S RESPONSE

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

We appreciate your concern. We do not condone or promote any kind of irresponsible social or public behaviour, especially anything that endangers the welfare of individuals or others. Like many other ads which are set in hyperbolic settings, the MARS® 'Runaway' Train commercial depicts a scenario that is reminiscent of many movie scenes where a disaster is at foot and requires a hero to step up to the challenge and save the day.

We believe train surfing is an activity that is reckless, patronised by irresponsible thrill seekers. The lead character in our commercial has a clear purpose to be on the train roof as he is trying to climb forward to a carriage to sever the breaks. He is clearly terrified and not enjoying himself throughout the process. As such, we're in no way trying to link eating a MARS® bar with engaging in frivolous, thrill seeking activities.

Furthermore, prior to putting this advertisement to air, it was extensively researched and at no point was train surfing raised as a concern. Also, as the ad is rated PG, our media strategy also ensures that it is only viewed in times where teenagers (over 15-year-olds) have parental supervision when viewing the ad.

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 promotes train surfing which is dangerous and contrary to prevailing community standards on health and safety.

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 train full of passengers who look to a boy eating a Mars bar to help stop their runaway train, despite the presence of soldiers, a mountaineer and other people perhaps more appropriately skilled for the task. The Board noted the overall humorous context of the advertisement and the unreal situation of asking a young boy to stop a fast moving train on his own.

The Board noted it has recently upheld a complaint, ref 0149/12, regarding train surfing where it noted that "train surfing is a dangerous activity which is responsible for serious injuries and death amongst those who attempt it and considered that it was not appropriate for an insurance company to be referencing a dangerous activity within the very vehicle the activity is carried out on."

The Board noted that in this instance the portrayal of train surfing has a clearly fantastical element in that the boy is clearly not actually train surfing but is being made to look as though he is in a similar situation to heroes in action movies. The Board noted the boy's

expression is one of terror and considered that most members of the community would interpret the boy's reaction as being unhappy about the situation.

In the Board's view the advertisement is presenting the boy's actions on the top of the train in a fantasy manner and even then as an activity which is dangerous and which no-one would want to do if given the choice. The Board considered that the advertisement does not promote or encourage train surfing.

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.