



Case Report

1	Case Number	0201/13
2	Advertiser	Solahart
3	Product	House Goods Services
4	Type of Advertisement / media	TV
5	Date of Determination	26/06/2013
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.3 - Violence Violence

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A grandma and grandpa couple are watching a football game on TV. Power to the TV is interrupted. The grandma grimaces, picks up a loose copy of The Australian newspaper from the sleeping husband on the couch and flaps it over the grandson who has stopped pedalling a bike – which, until then has been generating power for the television. The super and voice over at the end tells viewers not to miss out on the 30 June deadline for the 44 cent feed in tariff installation.

THE COMPLAINT

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

In this day of political correctness you can see that this ad is offensive. It upsets me every time I see it.

I find this advertisement shows a lack of good judgement on the part of Solar Hart for depicting a child being made to generate electricity by pedalling a bicycle so that his seemingly uncaring Mother watches a sports program and is then slapped with an object to resume pedalling while quite obviously falling asleep from exhaustion.

I think any program or advertisement that depicts child abuse in any form in order to sell a product is deplorable, offensive and completely unacceptable on any program.

THE ADVERTISER'S RESPONSE

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

RELEVANT AUDIENCE

The commercial is aimed at homeowners 45+ concerned about rising energy cost – audience must own their own home and have the financial capacity to purchase and install a solar power system.

PORTRAYAL OF PEOPLE (SECTION 2.1)

Images of Children and Young People

Relevant to this guide, there image of the young boy as the 'bike rider' is "not sexually exploitative in nature".

The image used is of a 10 year old boy dressed in sporting attire, doing what 10 year olds like doing – riding bikes, but in this instance the bike is a form of power generation for grandma to watch TV.

The grandma image is stereotypical of a loving and doting matriarch and grandparent who also happens to be passionate about football and Queensland. The young boy at no stage appears threatened or vilified and the flap of the newspaper on his back is playful and at no stage is the boy threatened violently.

OBJECTIFICATION (NEW SECTION 2.2)

The TV commercial does not involve any sexual appeal which is exploitative or degrading any individual group of people and the image of the young boy does not portray him as an "object(s) of sexual appeal".

VIOLENCE (SECTION 2.3)

There is no violence per se in the advertisement. The depiction is of the 10 year old boy playfully flapped with a newspaper by who appears to be a loving grandmother. The act of flapping the newspaper on the boy's back is within what should be permissible between a grandmother and grandson. The depiction is also more stylised than realistic.

SEX, SEXUALITY OR NUDITY (SECTION 2.4)

There is no depiction sex, sexuality or nudity in this TV commercial

LANGUAGE (SECTION 2.5)

There is no unacceptable language used in the commercial.

HEALTH AND SAFETY (SECTION 2.6)

The young boy is riding a bike, but it is stationary and therefore does not qualify as an unsafe practice.

With regard to “unequal relationship between people in the advertisement”, there is an age difference between the grandson and grandmother – but the relationship clearly one of a doting grandmother in a playful relationship and at no stage does it appear that the age difference is a motivator of threat in any way to inducing the young boy to ride a pushbike.

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 depicts child abuse in the form of a grandmother hitting her grandson.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised”.

The Board noted the advertisement features a young woman dressed as an older woman watching sport on TV and when the power dies during a vital part of the game she smacks her ‘grandson’ with a newspaper so that he continues pedalling his bike which is generating the power to run the TV.

The Board considered whether the overall farcical nature of the advertisement, with a grandmother figure passionately supporting her team and the power to run the television being generated by a young boy pedalling a bicycle was so far-fetched that any elements of the advertisement could be considered realistic.

The Board noted that when the woman hits the boy with the newspaper he seems exhausted and unhappy and he reacts by starting to pedal the bike again although he does not seem pleased. A minority of the Board noted that the woman is clearly too young to have a grandson and that the overall theme of the advertisement is of a far-fetched and unlikely situation.

The majority of the Board however considered that the boy’s general appearance coupled with the sound effect of the paper hitting him and his resigned reaction to it amounts to a

depiction of hitting a child which is not appropriate and could be considered as assault.

The Board considered that the advertisement did present or portray violence in a manner which is not justifiable in the context of the advertised product.

The Board determined that the advertisement did breach Section 2.3 of the Code.

The Board then 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 when the boy is pedalling the bike we can see sparks flying from the jumper leads and that the sparks from the connector are very close to the boy’s lower leg. A minority of the Board again noted the farcical nature of the advertisement and considered that most members of the community would recognise that the advertisement is not suggesting that consumers try and replicate the actions at home.

A majority of the Board however considered that the depiction of a home setting with unattended and unsafe electrical cabling in the form of the sparking jumper leads is a depiction which is unsafe and is in breach of prevailing community standards on health and safety.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement breached Sections 2.3 and 2.6 of the Code the Board upheld the complaints.

ADVERTISER RESPONSE TO DETERMINATION

In response to the Advertising Standards Board’s determination, Solahart Fraser Coast has discontinued the TV commercial noted above and it will not be run again in its current form.

Solahart is a manufacturer of solar water heaters and an importer of solar power systems and we distribute our product via a network of independent dealers who trade under the Solahart name. In this case the TV commercial was produced by our Fraser Coast dealer and was not an advertisement that we would have approved under our own set of internal advertising guidelines.

Our advertising guidelines and approval processes have subsequently been modified to include the issues raised in the Board’s determination.

