



## Case Report

1	Case Number	0239/17
2	Advertiser	ALDI Australia
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/06/2017
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a woman dancing alone at night with a trolley in an ALDI car park. The woman appears to be in a trance as she dances with the trolley and performs acrobatic-like stunts before returning the trolley and recovering her \$2 coin. The voice over says: "Australia's most satisfied customers three years in a row even though you need a coin for your trolley. Now that's good different."

### THE COMPLAINT

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

*The use of a shopping trolley that has not thought through the age of children watching all ads. Very unsafe*

*I find the ad has a woman doing dangerous stunts on a trolley. As a mother of an 11 year old son I find this incredibly irresponsible. When in any other shop like for instance Kmart they announce safety messages to children not to ride in or on trollies, this indicates to me that this is happening due to lessons learned from previous serious injuries.*

*I have sat with my son and explained the very dangerous content in this ad. My concern is for the safety of young people attempting these stunts.*

*I loved the ad ..until yesterday wed 24th may 2017 whilst shopping actually at Aldi..A young child about 6..7yrs began pushing the trolley and dancing with it nearly upending the trolley..it only lasted two seconds and a good save by mum and we both realized at the same second what the child was of course replicating*

*Promoting bad activity with trolleys and possible injury. Irresponsible advert. Appalled that is on air. I work in retail and see stupid people trying to copy this.*

*It gives children the wrong impression of playing and riding shopping trolleys in car parks  
A dangerous advertisement - will the ad stop when some kid is injured or killed  
It's not a laughing matter as the ad depicts !  
Dangerous AdOnly s matter of time before some kid mimics this in s car park resulting in injury and death*

*Ad shows woman doing various tricks on a shopping trolley. We are constantly reminded by announcements in shopping centres that trolleys are not a toy and many children are injured using them. I see the ad as a contradiction & will encourage children to copy the stunts performed resulting in an increase in injuries.*

*I believe that any child watching this ad could assume that jumping on and riding a shopping trolley is acceptable. They could get severely injured if the trolley tipped or crashed into an obstacle. They would not realize the danger they would put themselves into*

*Danger of children emulating the use of trolleys in this very dangerous manner, and the trolley overturning on them and seriously injuring the person/ child.*

*I am an older lady, & have watched TV since it first came out to Australia. So in that time I've have NEVER complained about any TV ad. Even though. I've had seen some pretty crazy ads however this Aldi ad. which is just fairly new is totally irresponsible & dangerous. It shows a woman old enough to know better, hanging onto the shopping trolley & throwing herself on & off it over & over & to make matters worse in a supermarket car park!! WHY?? - If someone an adult or a child, sees this ad. & tries to do the same thing they could fall off & hit onto the concrete & be really badly injured. I would imagine any Lawyer would then get any client so injured a heap of money, as this Aldi ad is more or less showing how to be a complete idiot & risk injury or even death. It hardly inspires me to shop there & risk some dill in the carpark maybe putting me at risk by trying it out while people are driving or walking around.*

*Can you please check this out, & see if you can get it removed?? As I feel it is just asking for any risk takers to think they can do the same, or go even into more risky stuff by hanging off an EMPTY trolley which is bound to fall over. I hope you can do something about this pronto, & let me know what you think or do too. Thank You.*

*My objection is that it shows a woman riding a trolley and performing acrobatic hands-free movements. I believe this is not suitable for children, who may try to copy this move, and injure themselves. Also, this is depicted in a car park, where there may be moving vehicles. Definitely not promoting sensible, safe behaviour.*

*I feel that young impressionable people would see this but not the disclaimer and try to copy with sad results*

*I am disturbed about the content and the actions the female performs on this shopping trolley along with music in the advert, because actions speak louder than words, even though a warning is posted at the end, children will only see what the advert contains. The potential for head, legs, arms, fingers feet and toes is very high, especially as some children are quite rebellious and disregard any adult directions not to play with or on shopping trolleys. Kmart has a public announcement within their stores that shopping trolleys are not toys and not to use them as such, something which I highly commend. I do hope this advert is removed from general viewing immediately before anyone is seriously injured.*

*It is irresponsible, it is dangerous and may entice copy cats in local shopping centre car parks to try out the same acts. It may endanger lives and possibly damage cars.*

*I feel the dangerous antics of the woman riding on the trolley and spinning the trolley around on the parking area is a very bad example for copy cat behaviour. Parents are constantly advised not to allow children to ride on shopping trolleys as this is a dangerous practice. Also spinning trolleys around and letting go of them close to parked cars and pedestrians can cause injury to people or damage to cars.*

*Believe this could lead to promoting young people to try these stunts resulting in physical harm.*

*I find this action very very dangerous and in my opinion it encourages our young people to do likewise. This is an extremely dangerous practise and therefore should be discouraged in every way. Customers are warned not to put young children in shopping trolleys and this advertisement only makes a mockery of this request.*

*It is inappropriate to encourage children and others to perform stunts and actions which are likely to lead to copycat tricks causing injury. As the ads are on at 7-8pm the impressionable are viewing them and really don't take in the disclaimer on the screen. As a retired RN I fear that our Emergency Departments will be the recipients of injured kids and youths following suit.*

*Not only is this advert depicting a dangerous activity to both the individual and any vehicles parked in the car park, but it is encouraging people to do the same.*

*Examples of Inappropriate and dangerous use of a shopping trolley that should not be encouraged by the advertiser.*

*It's extremely dangerous and I feel children will copy her actions.*

## **THE ADVERTISER'S RESPONSE**

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

*ALDI response to the complaints*

*ALDI takes compliance with the Code very seriously and our advertising is carefully considered, with this in mind, prior to being publicly released.*

*The essence of the complaints made to the Advertising Standards Bureau in respect of the advertisement is that it may encourage children or young people to copy the stunts performed by the actor. For the reasons set out below, we do not consider that there is any realistic risk of this occurring:*

*The scene portrayed in the advertisement is clearly fantasy. The woman appears not to be focused on her immediate surroundings, looking trance-like into the distance while moving in time with accompanying music. She performs acrobatic stunts that would not be possible without props. The woman is seen gliding through the carpark while lying across the handle of the trolley. She is also seen gliding while crouched on the back of the trolley with one arm outstretched. These scenes were produced in a safe environment and with the assistance of a professional stunt expert.*

*In this way, the advertisement is quite different to an advertisement where a person is in engaging in dangerous conduct that could actually be imitated by another person without the assistance of props and a production team (for example, riding down a hill in a wheelie bin). The fact that the stunts could not physically be performed by a child (or any other person) in an everyday situation emphasises that there is no real prospect of viewers of the advertisement being encouraged to copy the stunts. Viewers are invited to engage with the fantasy. The advertisement is intended to entertain and create a positive, amusing and entertaining association between the dancer/shopper and ALDI.*

*It is also highly relevant that there is a prominent disclaimer informing viewers that the stunts were performed in a safe and controlled environment, and warning them not to attempt to perform the stunts. ALDI took care to ensure that the disclaimer remained on screen at all times that the woman is performing acrobatic stunts. The disclaimer is displayed for 10 continuous seconds.*

*While each case must be considered by the Advertising Standards Board on its own facts, it is relevant in our view to note that the Board has accepted that not all stunts portraying apparently dangerous activities pose a real risk of copycat behaviour. See, for example, case 0533/14, in which the Board rejected a complaint that an advertisement portraying stunt biker rider, David McKenna, performing a series of motorcycle stunts at a closed racetrack depicted material contrary to prevailing community standards on safe driving practices. In its consideration of this complaint, the Board took into account the fact that the advertisement contained a disclaimer informing viewers that the stunts were being performed in a safe and controlled environment by an experienced stunt driver. It is clear from its published reasons that the Board accepted the advertiser's submission that "no reasonable consumer who can ride a motorcycle would expect to have such an ability, nor attempt to replicate" Mr McKenna's stunts.*

*Finally, we note that the advertisement - which was given a PG rating by CAD - has been broadcast outside of children's viewing slots. The advertisement is also specifically targeted at an adult audience.*

### *Compliance with the Code*

*For the reasons set out above, ALDI considers that applying prevailing Australian community standards, the advertisement cannot be said to be in breach of clause 2.6 of the Code or of any other part of Section 2 of the Code. We respectfully request that 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 complainants concerns that the advertisement shows unsafe behaviour that is dangerous and could cause harm to children or anyone who copies the action.

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

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 television advertisement features a woman in an almost empty carpark in the evening dancing with her Aldi trolley. The woman performs acrobatic type movements with and on the trolley before returning it to the trolley collection point. The voiceover states "Australia's most satisfied customers three years in a row even though you need a coin for your trolley. Now that's good different."

The Board noted the complainants concerns that this type of behaviour could be mimicked by children and it would be very dangerous and potentially cause harm.

The Board noted that the woman performing the stunts does so under a spot light giving the impression that the scenario is a performance and is fantastical and exaggerated.

The Board noted the advertiser's response that the stunts were performed in a safe and controlled environment and there is an on screen disclaimer informing viewers of this.

A minority of the Board considered that the actions of the woman were very dangerous and that it is not uncommon to see children standing in the front and side of trolleys regardless of the warnings in stores and on signs not to do so. In light of this, some members of the Board considered that the advertisement did depict behaviour that may be copied by young children and is unsafe.

The majority of the Board however, considered that the exaggerated nature of the advertisement and the overall look and tone was clearly one of fantasy and was not considered to be realistic in any way. The Board noted that the woman was not shown to be thrilled or excited by her own actions but rather in a trance like state which lessened the impact of the stunts she was performing.

The Board acknowledged the safety concerns about riding on trolleys but considered in this instance, the advertisement was highly stylised and was not encouraging or condoning this behaviour and 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 complaints.