



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

[AdStandards.com.au](http://AdStandards.com.au)

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0244-20</b>
<b>2. Advertiser :</b>	<b>National Australia Bank</b>
<b>3. Product :</b>	<b>Finance/Investment</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Pay</b>
<b>5. Date of Determination</b>	<b>12-Aug-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement begins with a young girl looking out a window; then vision of a young family preparing for the day shown through a window; a man parked on the street unloading his truck; a woman bringing coffees to work in a small business; two schoolchildren walking along the footpath, holding footballs; a woman walking up to the street corner, looking up and wave to camera. The little girl looking from the beginning of the advertisement waves back.

### THE COMPLAINT

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

*In the ad we see a man who has parked a truck near a corner in a turning lane and he is unloading goods onto the road in the middle lane, not on the footpath. We also see two children crossing a road not at a crossing and without looking first (even though it says 'look' on the ground).*



## THE ADVERTISER'S RESPONSE

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

*We are sorry to hear that a recent NAB advertisement has caused concern for a member of the community. It is never our intention to cause any discomfort or offence with any of our advertisements.*

*The objective of the campaign is to demonstrate NAB understands the value of Australians' money has never been greater than now - because, thanks to this 'reset' moment, we're putting it towards the things that truly matter to us.*

*The advertisement was carefully crafted to depict key areas of significance for our customers and Australians – the family home, a life in the country, running one's own business, and our love of sport. The scene was based on an actual street which was modified (via changes in shop fronts, for example) to encapsulate these elements of Australian life. The filming has a somewhat dreamy quality and the actions of the individuals were not intended to be taken literally.*

*Having said that, we were careful to ensure the teenagers behaved in a safe manner in regards to road safety, and if you look at the film, you will see the older teenager quite clearly look to the right towards any potential on-going traffic.*

*The farmer in our ad was driving an actual fruit and vegetable truck, and was parked on a very quiet one way street. Prior to filming, we consulted with two medium-sized Sydney based independent fruit farms to confirm their standard delivery process - whereby the driver parks temporarily in a safe location to drop off the goods to the local business.*

*NAB takes the AANA Code of Ethics very seriously.*

*In addition to engaging with Clemenger BBDO to ensure the advertisement complied with advertising standards, senior NAB representatives reviewed the advertisement before proceeding and publishing. Furthermore, we have CAD approval.*

*We followed the Mandatory Code of Practice for the Employment of Children in the Entertainment Industry including the following:*

- In accordance with child welfare guidelines, we had a police checked person and registered nurse, responsible for the child's welfare, on set the whole time.*
- The children's parents were fully informed on and consented to the concept before the shoot. Relevant child welfare forms and procedures were followed and completed.*
- The children's parents were present and directly supervised the filming.*



*From a road safety standpoint, we had a safety officer on set for the duration of the shoot, as well as traffic control on patrol at all times.*

*For added safety measures, we operated a closed set, and no active traffic was present on the road in question during our filming. The cars and cyclists that you see in the traffic moving from left to right on the adjacent road are part of the closed set to aide in a realistic every day portrayal of an urban Australian road. These cars were controlled and directed by the production team and driven by appropriate production personnel in a safe and controlled manner at low speeds.*

*The advertisement has received very positive feedback to date – our tracking indicates more than 35% of Australians have already seen it - with this being the only ASB complaint we are aware of.*

*Based on all of the above, our view is that this advertising material does not breach prevailing community standards on health and safety.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant’s concern that the advertisement depicts unsafe behaviour.

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

The Panel 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 Panel considered the complainant’s concern that the children crossing the road do not look before doing so.

The Panel noted that the street the children are crossing is a one way street. The Panel noted that the children do look to their right (the direction of oncoming traffic) before they cross. The Panel considered that while the children do not stop and look before crossing, there is no obstruction to their view of the street so looking while walking is not unsafe.

The Panel noted the complainant’s concern that the advertisement depicts a man unloading goods from a truck onto the road in the middle lane rather than onto the footpath.



The Panel noted that this was an example of creative license, and noted that if the man had been unloading goods onto the footpath he would not have been visible in the advertisement.

The Panel noted that the man is not unloading goods into the middle lane, he, his truck and his transport dolly all remain within the right lane.

However, the Panel noted that his location meant that other vehicles would not be able to be in that lane in order to turn right, and the Panel questioned whether the man is breaching a law by parking in that location.

The Panel noted that the Australian Road Rules contained the following provision

*“170 (3) A driver must not stop on a road within 10 metres from the nearest point of an intersecting road at an intersection without traffic lights, unless the driver stops: (a) at a place on a length of road, or in an area, to which a parking control sign applies and the driver is permitted to stop at that place under the Australian Road Rules; or (b) if the intersection is a T–intersection—along the continuous side of the continuing road at the intersection.”*

The Panel considered that while the exact distance is not able to be quantified, most members of the community would consider that the vehicle is parked within ten metres of the intersection when noting the location at which the children cross the road.

The Panel considered that blocking the road in such a manner that other vehicles are unable to be in the correct lane when at the intersection is a depiction which most members of the community would consider to be unsafe, particularly when noting the potential consequences of a driver attempting to turn right from the left lane.

The Panel considered that although they are not a law enforcement agency, the majority of the community would consider that laws relating to road use and safety are the prevailing community standards.

The Panel noted the response from the advertiser detailing the safety controls in place whilst filming the advertisement. The Panel considered that although these controls were in place, the man is depicted unloading his truck into the traffic side of the vehicle. The Panel considered that this depiction shows unsafe behaviour and is inconsistent with prevailing community standards on health and safety.

The Panel considered that the advertisement did depict material contrary to prevailing community standards on safety and did breach Section 2.6 of the Code.

Finding that the advertisement did breach section 2.6 of the Code the Panel upheld the complaint.



## THE ADVERTISER'S RESPONSE TO DETERMINATION

NAB acknowledges the findings from the ASB in relation to:

- The teenagers did not behave in an unsafe manner.
- The manner in which the driver unloaded the truck onto the road *could* be considered unsafe.
- The truck could appear to be parked closer than 10 meters to the curb, which *could appear* to be breaking the law.

We note that since launch we have reached 47% of our audience on TV nationally, who have each seen the ad at least 3 times. Of this audience the ad has received one complaint pertaining to perceived unsafe behaviour.

However, NAB's creative agency, Clemenger BBDO, have consulted Safe Work Australia and Transport NSW to come up with a post-production solution that addresses the above concerns:

- We have placed a NSW 'Lane Closed' sign on the road in accordance with the advice we received from speaking to Safe Work the morning of 18 August 2020. They advised that this would ensure drivers are alerted to the hazard ahead.
- We have placed traffic cones around the truck, and our hero character in accordance with Safe Work Australia's General Guide for Workplace Traffic Management guidelines.
- We have placed a suitable NSW 'loading zone' sign – that would result in the truck being parked legally for a temporary period to unload the goods, before carrying on with his journey.
- For added due diligence on the traffic cones, we have also vetted this as a solution via the Safe Work Australia hotline on 12 August 2020 whereby they advised that for these scenarios, it is important to use common sense and assess the danger of the situation at hand. Safe Work Australia advised that these cones would indicate that the worker has been put in a safe work space, and would indicate to any cars travelling on the road that there was a hazard ahead. For the duration of the advertisement, we do not see any cars on this specific road.

The advertisement is currently being updated in post-production. The version against which the claim was raised will be replaced with a revised advertisement that includes the above updates. A visual mock up is attached for your reference as well.

The revised advertisement will be on air from Tuesday 25h August 2020.

We trust that you will find this an acceptable solution to address the concerns raised.