



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0269/15</b>
<b>2</b>	<b>Advertiser</b>	<b>GlaxoSmithKline Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Health Products</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/07/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts two young boys (twins, aged 4) being typical happy, active and noisy children. They are shown at home with their parents, celebrating their birthday party, where one of the boys comes down with a fever and the activity and noise stops. The TVC then cuts back to the boys playing on a trampoline with their mother closely supervising.

## THE COMPLAINT

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

*Please broadcast safe and responsible practices on the trampoline. It is widely known, but unfortunately not followed, ACCC, Kidsafe, and state consumer protection agencies' guidelines that no more than 1 person should be on the trampoline at a time.*

## THE ADVERTISER'S RESPONSE

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

*Nature of Complaint and Response*

*We understand that the complaint relates only to the use of the trampoline by the 2 boys at the same time (the trampoline scene is depicted in the final 5 seconds of the TVC). The complainant alleges that section*

*2.6 (Health and Safety) of the AANA Advertiser Code of Ethics has been breached:*

*“Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”*

*(a) Prevailing Community Standards on health and safety in respect of trampoline use by children*

*The ASB has highlighted the following community standards in respect of trampoline use by children apply:*

*1. Trampoline safety is flippin’ important (Media Release by the ACCC, available at <http://www.accc.gov.au/media-release/trampoline-safety-is-flippin%E2%80%99-important-8-kids-injured-every-day> and <http://www.productsafety.gov.au/content/index.phtml/tag/trampolinesafety#toc4>)*

*2. Trampoline Safety Tips (Kids safe WA, available at <http://www.kidsafewa.com.au/PDF%20Files/Trampolines2.pdf>)*

*GSK takes safety very seriously, and in the filming of this advertisement all precautions were taken to ensure the safety of the two young boys when they were filmed, including:*

*- adequate supervision by a Safety Officer whilst they were filmed playing together on the trampoline;*

*- selection of a trampoline which had no springs, no exposed frames, and a safety net (1.8m in height) which completely surrounds the trampoline.*

*(b) Safety Tips for Parents and Carers - Trampoline Use by Children*

*We understand that trampolines can put children at risk of serious injury, particularly when used inappropriately. GSK is of the view that the children in the TVC were not depicted as using the trampoline inappropriately and provide our comments in context of the safety tips which have been identified by Kids Safe WA):*

*Safety Tip 1: One at a time: Ensure only one child at a time uses the trampoline.*

*GSK Comment: We understand that this tip was formulated in response to a survey conducted by Kidsafe Western Australia (on behalf of the ACCC) which identified reports of up to five or more children being on a trampoline at once and that less than a quarter of parents and carers were always supervising their children on trampolines.*

*GSK believes that whilst 2 children were seen to be bouncing on the trampoline at once, they were:*

*- on a large trampoline which had a large safety net;*

*- not seen to be jumping erratically or in an uncontrolled manner; and*

*- adequately supervised, with the mother being shown as very close by and solely focused on the children's activity.*

*Additionally, the trampoline was placed in a safe position, on level ground and on a grassy surface. In this regards, we are of the view that this safety tip was adequately addressed.*

*Safety Tip 2: Supervise: Supervise children at all times, regardless of age. It is recommended that children under six should not use trampolines but if they do, take extra care with younger children as they are more prone to serious injury on trampolines. The children in the TVC are aged 4 years old.*

*GSK Comment: The TVC shows that the mother is supervising the children closely. She is also placed in a position to be able to act quickly should she be of the view that any unsafe activity eventuate.*

*Safety Tip 3: Safety padding: Use safety padding on the frame to avoid injuries if a child accidentally hits the frame.*

*GSK Comment: The trampoline show is a "Jumbo Square Trampoline" (4.0x4.0m), which includes a safety net (to the height of 1.8m) and does not include any springs. Further, no frames are exposed.*

*Safety Tip 4: Check condition of mats and net: Regularly check that the trampoline is in good condition and ensure that the mat and net don't have holes, springs are intact and securely attached at both ends, frame is not bent and leg braces are securely locked.*

*GSK Comment: The trampoline used was brand new, and in very good condition.*

*Safety Tip 5: Hazard free surrounds: Ensure that the area around the trampoline is free from hazards like walls, fences, play equipment or garden furniture. Also make sure there is an overhead clearance to avoid objects like clothes lines, trees and wires.*

*GSK Comment: The trampoline scene was filmed in an open back yard, and was placed on a flat grassed surfaced area he area around the trampoline was free from hazards.*

*In addition to the above, when filming and particularly, the trampoline shows both the children adhering to the rules for kids, as recommended by Kidsafe WA:*

- They are jumping in a safe manner (ie no somersaults);*
- They are shown to be bouncing in the middle;*
- They are not jumping off the trampoline;*
- They are not showing playing under the trampoline; and*
- They are playing under the supervision of an adult.*

*GSK is committed to ensuring that its advertisements adhere to the AANA Advertiser Code of Ethics and prevailing community standards on health and safety, particularly when it relates to the safety of children.*

## **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’ concern that the advertisement features two children bouncing on a trampoline which is unsafe and contravenes Prevailing Community Standards on health and safety.

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 for Panadol features an image of two children playing on a trampoline whilst their mother looks on.

The Board noted the complainant’s concern that only one child at a time should use a trampoline. The Board noted the complainant had quoted a media release by the Australian Competition and Consumer Commission and a Trampoline Safety information sheet by Kidsafe.

The Board noted the advertiser’s response that the two children on the trampoline were closely monitored by an adult and that the appropriate safety precautions were taken with regards to the trampoline’s set-up and location.

The Board noted the ACCC Media Release regarding trampoline safety (<http://www.accc.gov.au/media-release/trampoline-safety-is-flippin%E2%80%99-important-8-kids-injured-every-day>).

The Board noted the trampoline depicted in the advertisement has safety padding and a net, appears in good condition and is set up in a safe location. The Board noted the two boys in the advertisement are being monitored whilst they bounce on the trampoline and that this scene is very brief.

The Board noted that its role as a community Board is to make decisions in-line with community standards. The Board noted the ACCC safety advice but considered that it is common practice for parents to let more than one child use a trampoline at a time and in the current scenario the children are well supervised and the overall scenario is one which would meet community standards on health and safety.

The Board determined that the advertisement 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.

