



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0279/14
2	Advertiser	EBBS International Pty Ltd
3	Product	House Goods Services
4	Type of Advertisement / media	Free TV
5	Date of Determination	13/08/2014
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children

DESCRIPTION OF THE ADVERTISEMENT

Complainant description: It has a child's voice whispering desperately "help me" and claims of hundreds of thousands of drowning deaths of children's each year.

THE COMPLAINT

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

If it was a government announcement, then a heavy hitting ad is justified but I've been forced to watch this unbelievably tragic ad over and over, and every single time I feel stressed and sickened.

This ad is too distressing for words, it is fear mongering and shouldn't be allowed on free to air TV.

I understand that the seriousness of the topic at hand is a matter that the advertiser wants to impress upon the Australian public, but these shock tactics do nothing other than impart unnecessary fear and distress into audiences who are unprepared for the content and unable to handle the message or the way in which it is delivered.

Please remove this ad. Surely the advertiser can come up with a better way to impart their message and get people on board to buying their product or service.

MY son assumed that the statistics displayed were Australian, and that they were government figures /a government warning ad. We needed to look up the Australian statistics to show him the number in Australia was actually less than 40 in 2013, and it was advertising a product. The information portrayed quite vividly in a short period of time with a strong emotional component meant he had difficulty thinking logically though the real meaning in a commercially driven advertisement.

Even once we had discussed this he has still been left with a strong emotional response. The sound of the woman screaming after her child drowns is absolutely horrific and terrifying to viewers. I agree with the context of the ad, however the bloodcurdling screaming is appalling.

This ad was played during Looney Tunes (a children's program), and contains frantic screaming, voices filled with fear and a child's dying voice - all to advertise EBBS' safety swimming wear. It's frightening and shouldn't be played at any time - let alone when children are watching cartoons after school!

THE ADVERTISER'S RESPONSE

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

The Advertiser did not provide a response.

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 is distressing in its use of a woman screaming as her child apparently drowns.

The Board viewed the advertisement and noted the advertiser had not provided a response.

The Board noted that some complainants were concerned that the advertisement presented statistics on drowning which were misleading. The Board noted that the issue of misleading advertising falls under Section 1 of the Code and is therefore outside of the Board's jurisdiction. The Board noted that the Australian Competition and Consumer Commission (ACCC) is the government agency that handles complaints about misleading advertising and considered that the complainants should address their concerns regarding the content they find misleading to the ACCC.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 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 statistics on the number of children who drown each year and that we hear the splash as someone enters water followed by a woman screaming loudly. The Board noted that other than the text on screen the only visuals are of a heart rate monitor. The Board noted that the theme, visuals and audio of this advertisement are similar to a community service announcement.

The Board noted it had previously dismissed complaints about a St John Ambulance advertisement for water safety in case 0146/14 where:

“The Board acknowledged that some members of the community would find the advertisement to be distressing however in the Board’s view the impact of the advertising is important in order deliver the important community awareness issue relating to first aid in a manner which is appropriate for the relevant audiences.”

The Board noted that the current advertisement is not a community awareness campaign but is for a commercial company advertising a life-saving product. The Board noted that when viewers hear the woman screaming the text on screen reads, “Don’t let your child become another drowning statistic” and considered that this clearly implies that the woman is screaming because her child has just died. The Board noted the complainants’ concerns that children hearing this advertisement would find it distressing and noted specifically that one complainant had viewed the advertisement during children’s programming, ‘Looney Tunes’. The Board considered that the sound of the woman screaming would be distressing to both children and adults. The Board considered that in the context of an advertisement for a specific product rather than as a community awareness message warning about drowning the advertisement depicts a level of disproportionate violence and is likely to cause alarm and distress to some members of the community.

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

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

Finding that the advertisement did breach Section 2.3 of the Code the Board upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser did not provide a response to the Board's determination.