



Case Report

1	Case Number	0300/12
2	Advertiser	Homebuyers Centre VIC
3	Product	Professional services
4	Type of Advertisement / media	TV
5	Date of Determination	08/08/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behavior

DESCRIPTION OF THE ADVERTISEMENT

TV advertisement featuring two home buyers who are currently renting. We help them 'escape the rent trap' by getting them out of their rented home and into a newly built home by Homebuyers Centre for as little as \$3,000 deposit.

THE COMPLAINT

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

Carrying people/passengers in the bucket of the excavator or front end loader goes against every ohs rule in the book?

It's a wonder Worksafe aren't screaming.

THE ADVERTISER'S RESPONSE

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

Both Homebuyers Centre Victoria and our advertising agency 303Lowe are strong supporters of self-regulation, the Advertising Standards Bureau and the AANA Code of Ethics.

On the assumption that this single complaint would fall under Section 2.6, 'Prevailing Community Standards on Health and Safety.' we submit the following:

- The action in the TV commercial is fully animated.*
- It is animated because it does not visually depict a 'real life' situation.*
- We submit that the overall impression is one of 'extravagant exaggeration' (ie 'puffery').*
- The reality is that a picket fence cannot 'grow' and entrap the couple as fictionally depicted.*
- Nor is the visual of the cartoon couple being picked up by a front end loader depicting reality, again it is pure fiction.*
- To the best of our knowledge this commercial has not raised the ire of either Worksafe or Workcover.*

Our agency has also viewed the latest 'Community Perceptions Research 2012 – Overview. Fact Sheet.' and noted the finding that the community is less conservative than the Board regarding issues relating to Health and Safety.

We ask that you review the attached description of the advertisement, the script, CAD reference number and digital copy of the TV commercial and find that the single complaint is not upheld.

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 complainant's concern that the advertisement portrays a cartoon image of a couple riding in the bucket of a front end loader.

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

The Board 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 Board noted that the advertisement features two home buyers who are currently renting. They are encouraged to 'escape the rent trap' by getting out of their rented home and into a newly built home by Homebuyers Centre for as little as \$3,000 deposit.

The Board noted the advertiser's response that while the advertisement shows a man and a woman outside of a home, the couple are cartoon drawings and not footage of real people until the very end of the advertisement.

The Board noted that the intention of the advertisement is to set a scene that is familiar to working adults across Australia and to highlight the message choosing to build a home rather than rent.

The Board noted that in part of the advertisement, the cartoon front end loader approaches the home and pulls down the large fence and alludes to the couple getting into the bucket. The couple are portrayed as being carried along the road to their new home.

The Board agreed that there is a genuine community concern regarding safe practices involving machinery but did not consider that the actions of the couple were realistic in nature or encouraging or condoning that type of behavior.

The Board considered that in this instance the imagery in the advertisement is cartoon style and clearly unrealistic and does not promote the idea that people should ride in the buckets of front end loaders.

Based on the above, the Board determined that the advertisement 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 complaint.