



Case Report

1	Case Number	0331/14
2	Advertiser	ZURU Toys
3	Product	Toys and Games
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/08/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising to Children Code 2.07 Parental Authority

DESCRIPTION OF THE ADVERTISEMENT

An iconic children's presenter presents a series of advertorial style advertisements. The advertisements covers a range of different toys available in the July 2014 toy sales. The advertisement is for a childs glow toy produced by ZURU Ltd.

THE COMPLAINT

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

The advertisement informs parents and as a consequence, children, that if they do not purchase this product, they will be "left behind". The content of the narrative refers to the product as being the latest "craze sweeping the schoolyard" and hence, being left behind would be connected to the social aspect of school.

I understand that the culture of bullying and social acceptance in our country is a major issue. I feel the advertisement promotes discrimination, isolation and feelings of low self-worth towards the families and children of these families whom are unable to afford to purchase this product and its almost endless list of accessories. I feel that guilt, shame and embarrassment are the emotive tools used by these advertisers, together with the threat of unfavourable social outcomes if a purchase is not made.

I am writing this as I feel an obligation to protect the children of our society from manipulation through bullying.

THE ADVERTISER'S RESPONSE

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

We respond to the issues raised as follows:

- 1. FreeTV Australia approved the commercial and provided it with a 'G' classification enabling it to be seen by children.*
- 2. The objection that advertisement promotes 'discrimination, isolation and feelings of low self-worth towards the families and children' who do not purchase the product is an unreasonable interpretation of a light hearted narrative highlighting the enjoyment & fun that can be experienced by children who play with this product.*
- 3. The commercial does not promote 'guilt, shame and embarrassment' as outlined in the complaint and the assertion that kids may be 'left behind' would not be reasonably considered akin to bullying due to the playful tone of the TVC.*

We do not believe the commercial breaches the AANA Advertisers Code for Advertising & Marketing Communications to Children.

THE DETERMINATION

The Advertising Standards Board ('the Board') considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the 'Children's Code') or the AANA Code of Ethics (the Code).

The Board noted the complainants' concerns that the advertisement suggests that children who do not have the toy will be 'left behind' by their peers and that this threat of 'unfavourable social outcome' is not appropriate.

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

The Board considered whether the advertisement is an advertising or marketing communication directed primarily to children under 14 years of age.

The Board noted that the dictionary definition of "primarily" is "in the first place" and that to be within the Children's Code the Board must find that the advertisement is aimed in the first instance at children. The Board considered if the theme, visuals and the language of the advertisement was directed primarily to children.

The Board noted that the advertisement is of children's presenter Ann-Maree Biggar talking about a new type of collectable toy "Tamago". The advertisement is filmed in an infomercial style with the presenter talking about the product as two children are shown playing with it. The Board noted that the advertisement involves a significant amount of information about the product and only a small shot of the toy in actual use. The styling of the advertisement is very similar to infomercial advertisement and those such as Brand Power that present new products in a factual manner.

The Board considered that the overall tone of the advertisement and the amount of information provided by an adult was intended to attract the attention of parents or care givers in the home who are likely to be buying presents or looking for gift ideas for children. The Board noted that the presenter opens with "looking for the perfect toy for your child?..." and agreed that as the opening statement of the advertisement, it was a clear call to parents to consider buying the toy rather than directly targeting children themselves.

Based on the above, the Board determined that the advertisement is not directed primarily to children. The Board noted that although the product 'Tamago' is a product itself targeted to and of principal appeal to children, the advertisement is not directed primarily to children and

therefore the Children's Code does not apply.

The Board then considered section 2.6 of the Code. Section 2.6 states that: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the complainants' concerns regarding issues of bullying and the risk that children who do not have one of the toys will be bullied or feel embarrassment or shame. The Board noted that the issue of bullying, particularly non-physical bullying is suitably placed within considerations of section 2.6 of the Code regarding prevailing community standards.

The Board again noted that the use of the phrase "you don't want your kids to be left behind..."

The Board noted that the promotion is for a new toy recently made available in stores and that the use of the statement is a marketing tool and agreed that it is acceptable for advertiser's to promote their own products as superior to other products. The Board considered that liked or not, an encouragement for parents to buy something for their children on the basis of social standing is not bullying.

The Board noted that the Children's Code does include a provision that advertisements must not state or imply that a product makes children who own or enjoy it superior to their peers and that had the Children's Code applied, this type of statement may well breach the Code, however, based on the above the Children's Code does not apply and therefore raises only issue under the Code of Ethics.

The Board agreed that overall the advertisement is directed to adults and does not depict or condone bullying behaviour and that the advertisement does not depict any 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 Children's Code and did not breach the Code on any other grounds, the Board dismissed the complaint.