



Ad Standards Community Panel  
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## Case Report

1. Case Number :	0368-20
2. Advertiser :	ZURU Inc.
3. Product :	Toys and Games
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	16-Dec-2020
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety  
AANA Advertising to Childrens Code\2.5 Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement for a robotic fish depicts children placing the fish into a glass coffee percolator jug, and a man seeing the fish in the jug.

### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*My concern is that the fish toy was depicted on at least 2 occasions , swimming in a glass kitchen kettle. One particularly alarming depiction sees a man holding the kitchen kettle/ glass jug with a black base that you would consider to be an electric kettle , while the toys swim in the kettle water. This would be a safety issue if child was to obtain this toy and go putting it into a jug of boiling water as well as putting their hand into a jug of boiling water to retrieve the toy. A child could also see this advertisement and go putting other fish type toys into kitchen kettles.*

### THE ADVERTISER'S RESPONSE

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

*The complainant raised concerns that the advertisement depicts the toys swimming in an electric kitchen kettle, which may encourage unsafe behaviour. In response, the*



*Advertiser contends that: (a) the kettle in question is not an electric kettle and is not suitable for such function (i.e. no "black base" as the complainant alleges); and (b) the advertisement clearly discloses that the water used is not boiling water. Further, the advertisement in question received a CAD Rating of 'C' - confirming its suitability for children. In a practical reality sense, a child of an age young enough to not comprehend the dangers of boiling water, certainly should not have the access to, or ability to access, a boiling kettle of water. As with any toy, parental supervision is always advised.*

## **THE DETERMINATION**

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

The Panel noted the complainant's concern that the advertisement may encourage children to play with electric kettles which could cause harm.

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

### **The Children's Code**

The Panel considered whether the advertisement complied with the Children's Code. To fall within this Code, "Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product".

#### Is the advertisement directed primarily to children?

The Panel considered whether the advertisement is directed primarily to children (14 years or younger). The Panel noted the Children's Code defined advertising and marketing communications to children as means Advertising or Marketing Communication which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product."

The Panel noted that Product is defined as: "goods, services and/or facilities which are targeted toward and have principal appeal to Children."

#### Is the theme of the advertisement directed primarily to children?

The Panel considered that the theme of the advertisement is that the toys are exciting and can be used to play practical jokes on family members. The Panel considered that this is a theme which would be directed primarily to children aged 14 and under.



*Is the language of the advertisement directed primarily to children?*

The Panel noted that the language used in the advertisement is high-energy and excited and that this is designed to appeal to children. The Panel noted that in particular the simple jingle at the start of the advertisement would be attractive to children.

Overall the Panel considered that the language of the advertisement was directed primarily to children aged 14 and under.

*Are the visuals of the advertisement directed primarily to children?*

The Panel considered that the quick-paced visuals of the advertisement showed the product being used in various settings. The Panel noted that the advertisement contained images of children interacting with the products. The Panel noted that the advertisement also featured an adult reacting to the product in an over-the-top manner and that this would appeal to children.

Overall the Panel considered that the visuals of the advertisement was directed primarily to children aged 14 and under.

*Is the content of the advertisement overall directed primarily to children?*

The Panel reiterated that it is essential that they consider all elements of the advertisement and to make a decision based on how all of the elements of the advertisement interact, and the overall impression that they make, in determining whether an advertisement is clearly directed primarily to children.

The Panel considered that the overall advertisement was clearly designed to attract children's attention through the use of themes visuals and language and that it was clearly directed primarily to children.

*Is the advertisement for a product of principal appeal to Children?*

The Panel noted that the advertisement is for a children's toy and that this is a product of principal appeal to children.

*Conclusion: is the advertisement directed primarily to children?*

Finding that the theme, visuals and language used in the advertisement are directed primarily to Children, and are for a Children's Product, the Panel determined that the advertisement was directed primarily to children under 14 and the provisions of the Children's Code apply.



Section 2.5: Advertising or Marketing Communication to Children:

(a) must not portray images or events which depict unsafe uses of a Product or unsafe situations which may encourage Children to engage in dangerous activities or create an unrealistic impression in the minds of Children or their parents or carers about safety; and

(b) must not advertise Products which have been officially declared unsafe or dangerous by an authorised Australian government authority.

The Panel noted the advertiser's response that the container pictured is not an electric kettle and is not suitable for that function.

The Panel considered that the man picks up a glass container which appears to be a glass coffee pot. The Panel considered that the product does not have an electrical base and is not pictured near any source which could produce boiling water. The Panel considered that the container had most likely been chosen because it was see-through so that the man could have a comical reaction to the product.

The Panel considered that there is no indication that the pot contained boiling water and that the advertisement was unlikely to encourage children to engage in dangerous activities with boiling water.

The Panel noted that the product had not officially been declared unsafe or dangerous by an authorised Australian government body.

Section 2.5 Conclusion

The Panel considered that the advertisement did not breach Section 2.5 of the Children's Code.

**AANA Code of Ethics**

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Consistent with its determination under Section 2.5 of the Children's Code, the Panel considered that the advertisement did not depict or encourage unsafe behaviour.

Section 2.6 Conclusion

The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.



## **Conclusion**

Finding that the advertisement did not breach the AANA Children's Code or the AANA Code of Ethics the Panel dismissed the complaint.