



Case Report

1	Case Number	0377/12
2	Advertiser	Woolworths Supermarkets
3	Product	Retail
4	Type of Advertisement / media	TV
5	Date of Determination	26/09/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A Woolworths employee is standing on the loading bay watching a truck backing in and she has a ball point pen in her mouth mainly the cap covering the ink point of the pen is in her mouth.

THE COMPLAINT

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

This really concerns me in case any small children copy this and the cap comes off and goes down any child's throat and they could choke due to the cap being stuck in their throat. Not all ball point pens have a hole in the cap so if any child did swallow one they can still breathe but still need medical treatment for the removal. As a mother and nan of two small grandchildren I know how children copy things adults do and I think this segment could endanger the lives of small children, as much as parents try to watch their child/children it's not possible to watch them every 5 seconds every minute every hour 24/7. So if my fax to you stops one accident of a child swallowing a pen cap then it will be worth it. I am not picking on Woolworths it's just this one segment of their ad that I would like to see removed.

THE ADVERTISER'S RESPONSE

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

Woolworths takes its advertising obligations very seriously. It is Woolworths' submission that the complaint should be dismissed and no further action taken in the matter for the reasons expressed below.

The advertisement in question is a significant part of the new Woolworths brand campaign of which Woolworths' strategy is to demonstrate our commitment to fresh food by introducing Australians to individuals who passionately deliver the freshest Australian product from soil to shelf every day of the week.

This particular spot is based around Gillian, a real Woolworths' employee who looks after all the precious cargo as it arrives in store everyday.

With reference to the complainant's concerns about Gillian with a pen in her mouth, all staff are trained, particularly at store level, to ensure that they are safe in all aspects of their role and, as she is a mature aged woman, she appreciates the safety requirements in using a pen. Woolworths key target audience is the adult shopping population, not children. Woolworths does not see any link between the contents of the advertisement and children's safety concerns.

Woolworths appreciates the ASB's careful consideration of a complaint and it is Woolworths' submission that this complaint should be dismissed.

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 concerns that the advertisement depicts a Woolworths staff member putting a pen in her mouth which is unsafe behaviour that could be copied by children.

The Board viewed 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 the advertisement features images of a baby that is given a pacifier. The Woolworths staff member – Gillian - then puts a pen in her mouth signifying the same action. The advertisement shows scenes of the delivery truck arriving and the woman speaks of how the trucks are like her babies.

The Board noted that the woman in the advertisement is portrayed as a dedicated Woolworths staff member “the supervisor” going about her duties and waiting the arrival of the delivery truck. The Board noted that the woman is shown at the receiving dock of the premises and she is wearing a high visibility vest. The Board noted the advertisers response that all staff are trained appropriately in relation to safety requirements of their role.

The Board noted the complainant’s concerns regarding the potential for children to mimick the actions of Gillian by sucking on a pen and the chance that the lid of the pen could come off and lodge in a child’s throat causing them to choke.

In the Board’s view there was nothing in the advertisement to suggest that Gillian was acting recklessly or taking any unnecessary risks in her actions and that as a mature adult she is capable of making informed decisions about the nature of her actions.

The Board considered that the relationship between the baby in the hospital, the voiceover and the actions of the staff member were very clear and did not depict or encourage dangerous behaviour. The Board considered that the advertisement was unlikely to appeal to children and was directed at an adult audience and therefore the behaviour was unlikely to be copied by young children.

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.

