



Case Report

1	Case Number	0393/10
2	Advertiser	Sweetmans
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	13/10/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

Advertising to Children Code 2.5 Safety

2.8 - Food and Beverage Code untruthful/dishonest

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Cartoon style advertisement showing two children transported from a cinema audience into the movie screen.

The children are now in a forest setting and there are bags of sweets hanging from the branches of the trees.

They follow the path to a house which features a man's open mouth as it's door and a 'wacky looking man' appears and invites the children in to explore lots of fun.

We then see the range of Wicked Fizz products on the screen.

THE COMPLAINT

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

I think the ad is basically telling the children that it is okay to go into a stranger's house when offered lollies as a man calls the children and they just walk inside no questions asked. I was offended as I thought the ad was basically saying so if a man or woman offers a child or children lollies they should just take it. This goes against everything that we as parents try to teach our children in regards to stranger danger. I personally would like to see this ad removed from television until such time as it is restructured to fit the teachings of parents, teachers and last but not least, the police departments.

THE ADVERTISER’S RESPONSE

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

At no time was it or will it be our and our client's intention to encourage children to go with strangers who offer them lollies.

It is a fairy tale slightly leaned on the old time classic Hansel & Gretel and Alice in Wonderland, to inspire children’s creativity.

The key visual “Wacky”, who comes out of the entrance of the theme park (slightly leaned on Australia’s iconic Luna Park) is already a well established character within the target audience, who appears on the product packaging as well as POS material and other communication material. At any time through the commercial the key message “lots of fun” is supported. The children follow “Wacky’s” invitation to enter the theme park and meet the other fantasy creatures. They are all laughing, dancing and having fun. At no time does the commercial show any scary situations.

Also it is fairly clear that with the kids being “magically beamed” through the movie screen, that the whole concept is based on fantasy, magic, imagination, creativity and fun. It is not a realistic story in which children meet a random stranger and follow him into his house.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”) and the Code for Advertising and Marketing Communications to Children (the Children's Code) and the AANA Food and Beverages Advertising and Marketing Communications Code (the "Food and Beverages Code").

The Board noted the complainant's concern that the advertisement depicted children being enticed with sweets in to a stranger’s home.

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

The Board firstly needed to determine whether the advertisement is “Advertising or marketing Communications to Children”, which is defined in the Children’s Code and Food and Beverages Code as meaning:

“Advertising or marketing communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”. “Children” are defined in the Codes as being 14 years old or under.

The Board considered the look, theme and visuals of the advertisement and agreed that this advertisement is directed primarily to children. The Board agreed that the product advertised is also directed primarily to children.

Having decided that the advertisement is advertising to children, the Board considered whether the advertisement is in breach of section 2.5 of the children's code. Section 2.5 of the children's code states: "Advertising or Marketing Communications to Children 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 their safety."

The Board noted that the advertisement is a cartoon style depiction of a fairy tale setting and that two children are invited in to a Theme Park by a character called Wacky. The Board noted the complainant's concerns that this goes against parents' teachings to their children about stranger danger.

The Board considered that the theme of the advertisement was clearly a fantasy style and that all the characters featured were cartoon. The Board noted the advertiser's response that the character 'Wacky' is a well established face of the product, however the Board considered that not all viewers would know this. The Board considered that as the cartoon children are magically transported to the scene through the cinema screen this clearly indicates that this is not a real situation, and that the advertisement is not suggesting that children take sweets from strangers.

The Board determined that this advertisement did not breach section 2.5 of the children's code.

The Board then considered whether the advertisement was in breach of Section 2.1 of the AANA Food and Beverages Advertising and Marketing Communications Code. Section 2.1 of the Code states:

"Advertising or Marketing Communications for Food or Beverage Products ...shall not otherwise contravene Prevailing Community Standards and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication.."

The Board considered that the advertisement did not depict the product being consumed in excess and that the fantasy style of the advertisement was appropriate to the product and target audience.

The Board considered that this advertisement did not depict any material that is contrary to community standards and did not breach section 2.1 of the Food and Beverages Code.

The Board then 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 considered that the advertisement did not encourage behaviour which goes against prevailing community standards, and that the theme and visuals of the advertisement clearly suggest a fantasy sequence.

The Board determined that the advertisement did not depict “material contrary to Prevailing Community Standards on health and safety”.

Finding that the advertisement did not breach any of the Codes on other grounds, the Board dismissed the complaint.