



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0401-19
2. Advertiser :	WattleHealth
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement depicts a child in a farm setting. The child is depicted wearing an Akubra-style broad brimmed hat and sitting on a stationary pony.

THE COMPLAINT

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

The little boy on the pony was not wearing a safety helmet. This is unsafe and sends the wrong message that unsafe equestrian practices are acceptable, and this is plain wrong. An approved helmet must be worn, especially by children at all times when they are riding a horse

THE ADVERTISER'S RESPONSE

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



The product is an Organic Toddler milk drink (a powdered milk based drink to be made up with water). The advertisement is unequivocally directed towards grocery buyers and parents.

The product is intended for children above the age of 1 year.

The product is advertised as organic, and the product is certified organic by an independent certifier.

The advertisement was placed on a billboard in a public place.

Context of the Billboard:

The large format billboard advertisement of our product portrays a child in a farm setting. The child is depicted wearing an Akubra-style broad brimmed hat and sitting on a stationary pony. The image to be portrayed is that of a traditional cowboy and is intended to be a symbolic representation of an idyllic carefree childhood in a bucolic rural setting, rather than actually engaged in farming work.

We understand that the concern raised is that the child is wearing an Akubra-style broad brimmed hat rather than an equestrian helmet under 2.6 of the Code of Ethics – Health and Safety – and no other sections of the code.

We researched the applicable laws regarding helmet use on horseback and found that under the Victorian Rule Rules, section 303A, while persons under 18 are required to wear helmets when riding a horse on a road or road related area, this applies only when on a road or road related areas.

We also consulted the Ad Standards determination summary for Health and Safety available on the Ad Standards website, which gave an example of the level of protective gear to be worn in different circumstances, such as life jackets, which is:

“The Community Panel often receives complaints about some activities where safety equipment or practices are advised, but not required. In these cases the Community Panel will often dismiss the complaints as the activities shown are not contrary to prevailing community standards. The Community Panel’s view is:

• Advertising which features people on boats or watercraft will often receive complaints if they are not clearly wearing life jackets, however if the craft is stationary or close to shore or the occupants are wearing other inflatable safety devices the advertising will not breach this Section of the Code.

- Suzuki Marine – 0420/16

- Yamaha Motor Aust – 0221/16”

We considered that the situation of sitting on a stationary pony to be analogous to the situation where persons are on a stationary watercraft, and the helmet to be analogous to a life jacket in that situation.



During the shoot, the pony was held and supervised by a professional animal handler, and a safety officer and the child's parents were also in close attendance.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts a boy on a pony who is not wearing a helmet and that this is unsafe.

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

The Panel considered whether the advertisement complied with 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 Panel noted the advertiser's response that there is no regulation that people must wear helmets when riding a horse on a non-road related area, such as the paddock depicted in the advertisement. The Panel considered that while it was not a legal requirement, advertisers should be aware that community standards can demand higher safety standards than the law in some situations. The Panel considered that safety on farms is an important issue and that when depicting situations such as this advertisers should endeavour to promote best practice regarding safety in advertisements.

However, the Panel considered that the child in the advertisement is shown in a rural, farm scene and is intended to showcase a natural, organic lifestyle. The Panel considered there is no suggestion the boy was riding the horse alone, as he would be unlikely to be in a paddock far from home by himself.

The Panel considered, after much discussion, that this particular still image of a child in a farm sitting on a horse supervised with adults, while unhelmeted, was not a depiction which most members of the community would consider to be contrary to Prevailing Community Standards on safety.

The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.