



Case Report

1	Case Number	0403/17
2	Advertiser	ALDI Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	27/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Bullying
- 2.3 - Violence Violence
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a family (mother, father and child) in the kitchen. The child - a young girl - is taped to the fridge door.

The father looks puzzled and asks his wife: "Darling, what's this?"

The girl responds: "I'm an epic reminder"

The mother adds: "Of ALDI's Special Buys".

A voiceover says: "Put an epic reminder on your fridge for Wednesday the 13th" before listing the Special Buy products that will be available for sale at ALDI from that day.

THE COMPLAINT

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

This is a thieved concept from 1990s artist Maurizio Cattalan who duct-taped his agent to a gallery wall for the opening of his exhibition in 1997(?). The agent was subsequently rushed to hospital unconscious and critically ill as a result of his duct-tape suspension interfering with his circulatory system. Not original yes, but the advertiser is promoting an extremely dangerous act. There are idiots who might think duct taping a small child to a fridge is funny and replicate this causing real harm to that child. Where are the standards?

A child is taped to the front of a fridge door. Totally not appropriate

Children used as posted noted duct taped to frig. Door for mother's not to forget Aldi specials. Are children so be little doubt and not sensitive to this behaviour ?

I see this as child abuse the child is about 3-4 years old and looks unsafe and painful . I also think that a parent might try the same in the real world I think the add is stupid and encourages stupid behaviour.

People have been charged with child abuse and child endangerment for duct taping them to a wall, etc

It is highly inappropriate for Aldi to be promulgating an illegal image / action

Will the ASB finally demonstrate that they are concerned about community and society standards?

Or will you abrogate your responsibilities yet again and dismiss consumer concerns as your track record indicates based on your ineffectual responses to the most complained about advertisements.

Its disturbing and harsh, why would you tape your child to the fridge as a Reminder?????

I object to the child being attached to the fridge by duct tape. This will only encourage people with no limits to think it is funny and not really abusive and copy and even just kids to do it to bully other kids. I just don't think its funny and I'm sure they could think of something else that is funny to encourage people to buy their goods.

This is child abuse. The child was held against it's will .

I recall a similar activity that was reported in court reports where by the child was removed from the family

Normalising duct taping a child : the ad is restraining the free will of the child as if it is normal, further insinuating that this is humours and acceptable behaviour.

A child is taped to the family fridge. I couldn't work out why this was done to advertise a supermarket. It is NSW Child Protection Week & this is abusive inappropriate behaviour.

I feel it is inappropriate to tape a child to a fridge. This could cause harm to the child either by the tight restriction of the tape or detaching and falling. This is not acceptable care for a child and is not modeling appropriate behavior. In my opinion, some members of the community may do this to their children for fun and a child could be harmed.

I find it very offensive for a child to be displayed in this fashion.

I deem this to be a display of child cruelly advertising or noting the idea this is acceptable behaviour.

Promotes inappropriate activity with children.And negligence of parents. I feel this really should to be on TV at this time in the world where there are so many cases of child abuse.

I think it downplays Child abuse

I see the child taped to half way up the door of the fridge as a form of child abuse. This is presented in a way which is apparently meant to be amusing. This can also lead to viewers doing this at home for fun.

The current Aldi advertisement depicts a child duct taped to a wall. There are many cases of this method being used as a form of abuse to the child. Thus Aldi is advocating child abuse

The advertisers of this Aldi commercial taped a child on a fridge door. I find this offensive. We hear everyday of child abuse. This image is very damaging to children. It needs to be taken of air. Imagine a child suffering in silence and sees this commercial. Children should not be allowed to be seen being used this way. Take it of air

I am a FACS worker and know of actual cases of this happening were parents have been prosecuted and goaled. This ad normalises this behavior, often committed along with the aid of drugs. Children are not toys or your personal reminder on the fridge. This ad is sickening and everything we fight against on a daily basis. PLEASE remove this ad before another child is treated like a disposable doll. Thank you.

Why I find this ad offensive about this ad there is a child being abused by being gaffe to a fridge this is sending the wrong message saying that it's ok for parents to gaffe tape your children to the fridge just in case they forget something from Aldi.

It depicts abuse of a child. The "young daughter" character is taped to the refrigerator & is unable to free herself.

THE ADVERTISER'S RESPONSE

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

The advertisement is a 30 TVC for ALDI. It has been broadcast in NSW, QLD, VIC, SA & WA since 31 August 2017 and is scheduled to continue until 13 September 2017.

The complaints The complaints that we are responding to state that the advertisement is in breach of clauses 2.3 and 2.6 of the AANA Code of Ethics (the Code) on the ground that it depicts material that is violent or bullying and is contrary to prevailing community standards health and safety.

The complainants expressed the following concerns:

- *The ad would encourage people to gaffer tape children to fridges.*
- *The ad "normalises" this activity and tells viewers "it's ok for parents to gaffer tape children to the fridge just in case they forget something at ALDI".*
- *It looks "unsafe and painful" for the young girl.*

- *Children may copy this to bully other children.*
- *The ad portrayed “child abuse” - the child was “held against her will”.*
- *It insinuates that it is humorous to gaffer tape children to fridges.*

ALDI response to the complaints

ALDI takes compliance with the Code very seriously and our advertising is carefully considered, with this in mind, prior to being publicly released. For the reasons set out below, ALDI considers that the advertisement complies fully with the Code.

Clause 2.3 - violence

The prohibition in s 2.3 of the Code is with respect to portrayals of violence; ie behaviour involving physical force intended to hurt, damage, or kill someone or something. No reasonable viewer would understand the advertisement as portraying an intention on the part of the mother to harm her daughter. Nor would a reasonable viewer perceive the child's situation to be unsafe or that she is in pain. On the contrary, the child is clearly safe, happy and unhurt; and the parents intend no harm towards their daughter.

Clause 2.6 - community standards on health and safety

The essence of the complaints are that the advertisement amounts to, or portrays, child abuse, and that in broadcasting it ALDI is “normalising” this behaviour. The complainants also suggest that other adults or children may seek to copy this. One complainant suggests that the advertisement portrays bullying of the girl.

For the reasons set out below, the advertisement cannot be said to be in breach of clause 2.6 of the Code:

The advertisement is clearly fantastical. The message being conveyed is “find a way to ensure that you don’t forget the upcoming ALDI Special Buys”, and the advertisement uses a fantastical device - ie using a child rather than a post-it note on the fridge - to communicate that message.

The use of a fantastic, surreal image of a child taped to a fridge door functioning as reminder note creates a vivid and easily restored memory. It can only “work” as advertising if the viewer sees the scenario as warm and welcoming and its association with ALDI as positive. This understanding is far removed from communicating abuse.

The young girl does not appear to be in the least way distressed, let alone any kind of pain or discomfort. She is smiling and does not appear to be being held against her will. It is clear that she was a happy participant in this scene.

As to the suggestion that the advertisement would encourage other people to gaffer tape children to fridges, or that it suggests that it is “ok” to do this, it is in our submission clear from the fantastical nature of the scene portrayed that there is no such suggestion being made. The humour arises not from the suggestion that it is a funny idea to gaffer tape your child to a fridge as a reminder to shop at ALDI, but rather from the fact that the situation is so unreal that it would never happen. That is why the image is memorable and humorous. The advertisement cannot be said to encourage, or “normalise”, this activity.

It is true, as one of the complainants has noted, that some adults carry out cruel acts on children. However there is no real likelihood that this advertisement will seed a thought that could encourage harmful or abusive conduct towards children.

As with all of its advertisement, ALDI took care to ensure that the advertisement was created in a safe and controlled environment. During production, the girl's mother was on set, as was a nurse and a safety official whose sole responsibility was to ensure that the Office Children's Guardian obligations, and other comfort and safety regulations, were fully adhered to.

Compliance with the Code

For the reasons set out above, ALDI considers that applying prevailing Australian community standards, the advertisement cannot be said to be in breach of clause 2.3 or 2.6 of the Code or of any other part of Section 2 of the Code. We respectfully request that the complaint 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 complainants' concerns that the advertisement depicts a young girl taped to a fridge which is dangerous and could encourage copycat behaviour.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that this television advertisement features a mother and father in the kitchen and the father goes to the fridge to get some milk and notices his daughter taped to the door. When he asks what it is about the girl replies with "I am the epic reminder." The mother then adds "of Aldi's special buys." The voiceover provides details of the date of the sale.

The Board noted the complainants' concerns that taping the girl to the fridge is an act of bullying.

The Board noted that it appears that it is the mother who has taped the daughter to the fridge. The Board noted the expression of the child and the interaction between her and her parents and considered that she appears to be freely moving her arms and legs and when asked why she is there she responds in the first instance herself. The Board noted that the girl does not appear stressed or upset about the situation.

The Board noted that it had previously considered an advertisement for Murray Goulburn (0400/13) where among other things some kids duct taping their friend to a wall. In that advertisement the majority of the Board considered that:

“the depiction ...of duct taping a child to a wall at heightwas an activity that was potentially unsafe. The majority of the Board considered that the advertisement’s suggestion that this is not ‘sensible’ behaviour is insufficiently clear to child viewers that the behaviour is unsafe and should not be copied.”

In considering the difference to this advertisement, the Board noted that the culmination of events in the previous matter added strength to the risk and potential harm that could have occurred.

The Board noted that in contrast to the above mentioned case, in this matter the girl has been taped to the fridge by her parents and her parents, in particular her mother is present with her in the kitchen.

The Board noted that the scenario is intended to be humorous and is unrealistic and absurd in the measures the parents have taken to remind themselves of an upcoming sale.

The Board considered that the depiction of the girl did not amount to a representation of bullying and did not portray violence.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered 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 complainants’ concerns that taping a child to the fridge was inappropriate behaviour.

The Board considered that the whole scenario was clearly unrealistic and that most members of the community would understand it to be an exaggerated depiction. In the Board’s view the advertisement was humorous and did not encourage or condone taping children to anything.

The Board considered that in the presence of her parents, the girls was not in any harm and the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and determined that the advertisement 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 complaints.

