



Case Report

1	Case Number	0404/16
2	Advertiser	Energizer Australia Pty Ltd
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/09/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens with a man in the rain, at night, in the process of changing a tyre on his utility truck. His son gets a torch out of the glove box and comes over to help his father by shining the torch on the wheel, as the father changes the tyre. The scene then pans back to a living room shot, where you find out that a family was watching the tyre- changing scene on their television. A father, mother and daughter are sitting on the couch with a remote control, whilst their son rushes through frame playing with a remote control car.

The voiceover says “Whether in time of need, or just a little fun, Eveready powers moments big and small”.

The advertisement then cuts to an outdoor family scene and to an end frame with the Eveready logo, and the voiceover “Eveready for Life”

THE COMPLAINT

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

This advert depicts a young child helping to change a tyre in the rain and at night. Considering our national road tolls and recent deaths of people changing tyres. I was infuriated by the lack of health and safety depicted by this advert.

THE ADVERTISER'S RESPONSE

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

Energizer received a letter from the Advertising Standards Bureau detailing a complaint received by the Bureau on August 31st 2016.

The complaint was documented as follows:

REASON FOR CONCERN: This advert depicts a young child helping to change a tyre in the rain and at night. Considering our national road tolls and recent deaths of people changing tyres. I was infuriated by the lack of health and safety depicted by this advert.

Whilst Energizer is empathetic with this gentleman's position, we would like to highlight a number of important elements of the commercial that we believe align the EVEREADY FOR LIFE advertisement with prevailing Community Standards on health and safety as required by the Code.

Firstly, the scene depicted at the beginning of the TVC is clearly a quiet location- no traffic is shown, and this is clearly not a high traffic thoroughfare. In addition, the car's headlights are on, minimising the likelihood that any passing traffic will not avoid the incident, and the father has put a warning sign onto the road as an additional safety measure.

Secondly, the child is taking numerous safety precautions to mitigate any danger. He is wearing a high visibility yellow raincoat, he is carrying a torch for illumination, and he is clearly staying close to his father.

Based on these elements of the commercial Energizer believes that the EVEREADY FOR LIFE television commercial referred to by Armour does not in any way depict material contrary to Community Standards on health and safety.

This advertisement was used in both 30 second and 15 second formats; however for the purposes of this submission we have focused on the 30 second spot.

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 young child helping to change a tyre in the rain which shows a lack of health and safety.

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

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 that this television advertisement shows a man changing a tyre at night in the rain, assisted by his son who holds a torch to enable him to see what he is doing.

The Board noted that there is no other traffic depicted in the advertisement and considered that the safety precautions taken by the man - setting up a warning triangle, leaving his headlights and hazards lights on for visibility to other road users and staying close to the side of his vehicle – are indicative of the man being aware of the potential health and safety issues linked to breaking down at the side of a road, especially at night. The Board noted that the child who holds the torch is wearing a bright yellow raincoat and considered that there is no suggestion at any time that either person is at risk of an accident.

The Board noted that the tyre changing scene is one of many used in the advertisement to highlight the advertised product, batteries, and considered that the focus throughout is on having good batteries to power equipment rather than a focus on how a tyre should be changed.

The Board acknowledged that there is a level of community concern around roadside safety but considered that this advertisement does not undermine community awareness campaigns on best practice on road safety and does not depict material contrary to Prevailing Community Standards on health and safety.

The Board 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 complaint.