



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0431/15</b>
<b>2</b>	<b>Advertiser</b>	<b>St George Group</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/11/2015</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

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

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a boy on a skateboard in a driveway of a house. A girl watches on in the background whilst the boy is focused on landing an ollie (a skateboard trick where the rider and board hop in the air without the use of the rider's hands). After a couple of attempts he finally lands his move and the excitement is evident from his expression and the cheer from his friend. The delight expressed in this scenario is used to symbolise the excitement at the prospect of receiving the \$2000 cash back offer from St.George.

### THE COMPLAINT

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

*My concern; the boy is not wearing a helmet nor joint protection. He is seen to do numerous jumps on his skateboard. As an ER RN, we try hard to get the message across to young children; wear a helmet and protective gear as it might prevent serious injury or something more permanent. The child in the commercial risks one wrong move, potentially falling backwards or forwards onto cement, resulting in a serious head/neck injury. Any child watching this commercial sees this boy not wearing a helmet and thinks great I won't either. Nothing against St George, but this commercial sends the wrong message about skateboard safety.*

## **THE ADVERTISER'S RESPONSE**

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

*St. George acknowledges receipt of the complaint relating to the health and safety demonstrating unsafe behaviour.*

*The complaint states that they believe that the ad is*

*1) Promoting the wrong message about "skateboard safety"*

*St. George values the feedback and opinions from all viewers of its advertising and goes to great length to ensure that its advertisements do not promote actions that may affect the health and safety of individuals.*

*On this occasion St. George refutes that the advertisement promotes unsafe behaviour and whilst the boy is not wearing a helmet, the skateboard trick is clearly performed in a controlled environment and the boy is stationary whilst performing the trick. The boy is also on private property.*

*Both the creative advertising agency and St. George are strong supporters of self-regulation and the AANA Codes of Ethics.*

## **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 concern that the advertisement sends the wrong message about skateboard 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 the advertisement features a boy on a skateboard in a driveway of a house. A girl watches on whilst the boy is focused on landing an ollie (a skateboard trick where the rider and board hop in the air without the use of the rider's hands). After a few attempts he successfully completes the move. The voiceover is describing the product that the bank is offering and the \$2000 cash back.

The Board noted that in many states it is not a legal requirement to wear a helmet while skateboarding and that the consideration for the Board is not a legal matter.

The Board noted it had previously dismissed a case for Yum Restaurants (0388/13) where several young men are shown skateboarding without helmets. In that case the Board considered that

“...whilst there is a general consensus in the community that wearing appropriate safety gear including helmets is preferable when using a skateboard, there are no rules regarding the use of helmets except in South Australia ([http://www.transport.sa.gov.au/pdfs/safety/skateboarders\\_brochure.pdf](http://www.transport.sa.gov.au/pdfs/safety/skateboarders_brochure.pdf)). The Board noted that the scene featuring the young men on their skateboards is fleeting and considered that the depiction of the men using their skateboards is consistent with how youth use their skateboards.

The Board considered that the brief scene in the advertisement showing young males not wearing any safety equipment including helmets is not a depiction which is contrary to prevailing community standards on health and safety and that it is unlikely to encourage people to use skateboards in a manner which is unsafe.”

The Board noted that the boy is practicing the above mentioned move on the driveway of a house and is not riding the skateboard along the road or sidewalk. The Board noted the ground is flat and free of clutter and/or debris.

In the current case, a minority of the Board considered that the use of a boy practicing moves in this manner is very realistic and the realistic nature would appeal to children. The minority felt that the risk of injury is very high and that showing the boy without a helmet was re-affirming the idea that wearing a helmet is ‘uncool’ and that this is the wrong message to send to children about skateboard safety.

The majority of the Board however, agreed that the depiction of the boy without a helmet did come with an element of risk but that overall the activity was a realistic depiction of a child playing in his yard and not a depiction that was contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

Consistent with the previously dismissed case, the depiction of the boy is consistent with how young people use their skateboards and did not depict material contrary to prevailing community standards on health and safety.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.