



Case Report

1	Case Number	0488/14
2	Advertiser	Best & Less
3	Product	Clothing
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/11/2014
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 depicts various scenes of mothers running off to a retail sale and includes:

- a girl playing hide and seek while her mum grabs her bag and runs from the backyard,
- a boy sitting on the end of a seesaw waiting patiently with a rock holding him up in the air,
- a young boy playing an electronic device while hanging on a coat hook in the hallway,
- a mum in a hospital gown sneaking away from her newborn baby and husband with her handbag, and
- a primary school play performance with only 5 dads in the audience. A large group of women are seen rushing into a Best & Less store.

THE COMPLAINT

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

A man comes through the door at home and his child is hanging from his clothing on the coat rack. I don't have kids but during this time slot, it could give easily-influenced kids the idea of suspending themselves or their siblings by their clothes on the coat hooks. The kids could think it's funny but it could just as easily get out of hand. I believe it is worth looking into.

The "escaping" women display an abhorrent disregard to their children. This is done to the extent where a small boy is left hanging on a coat hook, a new born babe is left in the arms of a women's husband in the maternity ward and a small boy is left balancing on the end of seesaw, precariously in the air, with a boulder on the other end so he can't get down. My six year old granddaughter asked me "...why was the lady running away from her baby?". Children are obviously sensitive to such displays of such degradation and it is this that concerns me most of all. Such appalling displays of disregard for our children should not be tolerated when our minors show such concerns. The ad should be removed before further damage is done and Best for Less loses more consideration.

THE ADVERTISER'S RESPONSE

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

In response to the 2 complaints lodged with ASB and as a family brand and a responsible advertiser, it is Best&Less intention to treat this whole issue seriously and provide every level of relevant information in our submission.

At Best&Less, we are in the process of transforming our business and our brand. As part of this, we launched a brand television campaign in October 2014.

To inform the campaign, we conducted national consumer research to better understand our customers: Mums, and what defines their lives.

Surprisingly, as much as most mums love motherhood, up to 46% of mothers secretly wish they could escape being a mum, just even for 5 minutes. As mothers ourselves and marketeers, we understand that whilst we love our families, sometimes time for ourselves away from the children is exactly what is needed. The unrelenting demands of motherhood mean that many mums have dropped their own hobbies and interests in favour of their children's, and one of these includes the favourite pastime of shopping.

In the national survey, 62% of mums say that they rarely get time by themselves, however if given a day on their own, 46% of mums would go shopping just for them.

For the development of the television commercials, we tapped into this insight to develop a relevant position for Best&Less and our customer majority.

As a business, we have been overwhelmed with positive responses to our portrayal of real women in tongue in cheek scenarios in the commercial. Depicting mums who have innovative, clever, funny ways of distracting their children while they rush to Best&Less to shop the new fashion, tapped into mums' greatest wish in a lighthearted manner.

Our intention was to make mums laugh by 'over-appreciating' the importance of shopping at

Best&Less . We were dramatizing what mothers were fantasising about in order to gain their recognition. The fact is that no mother having just given birth would leave her baby to go shopping or hang their child up by his windcheater, we all know this. The commercial is a parody of many mums' secret fantasy, and this humour was understood by most of our viewers.

As a business run mostly by women, serving mostly women, we understand what our customers really want in an ideal world - to laugh, enjoy life and shop. Our campaign intention was to portray exactly that.

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' concern that the advertisement shows a child hanging by his clothing from a coat rack which is dangerous and could encourage children to try and copy it, and that the advertisement depicts mothers trying to escape from their children.

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 the advertisement is promoting low prices in store and shows women going to great lengths to make it into the store including running away from a daughter who is playing hide and seek, running out of hospital after the birth of a baby and leaving a child suspended by his clothing on a coat hook near the front door. The voiceover describes the great items in store and the final shot includes the text "You won't believe it's Best & Less."

The Board noted that the overall tone of the advertisement was unrealistic and clearly exaggerated. The Board noted that each of the children portrayed in the advertisement were not left in situations where they were distressed or upset about being left alone.

The Board noted that the woman who runs from the hospital has left her baby with its father and that this was not a form of abandonment (as the child is safe with father) but a light hearted scene that was unlikely to take place in reality.

The Board noted the complainants concerns that the young boy left hanging on the coat hook could be behaviour that is copied by older siblings who view the advertisement. The Board noted that the boy is not alarmed by being left hanging on the hook and is comfortable playing an electronic device. The Board considered that it is unlikely that a coat hook in the family home would have the capacity to hold the weight of a child and that the behaviour is unlikely to be copied.

The Board noted that the overall tone of the advertisement is humorous and fun and that most members of the community would not consider the behaviour of the women as inappropriate and that the advertisement is clearly identifiable as fiction/fantasy.

The Board considered that the advertisement did not depict material contrary to prevailing community standards and 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.