



Case Report

1	Case Number	0502/16
2	Advertiser	Danone
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/11/2016
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 Aptamil Toddler Stage 3 advertisement depicts several scenes relating to children, over the age of 12 months, reaching developmental milestones. These scenes include sliding down a slippery dip, jumping into a swimming pool, climbing stairs and painting. The images are coupled with inspirational quotes and the final frame depicts the Aptamil Toddler Stage 3 product along with the text “helps lay the foundations for your child’s firsts”.

THE COMPLAINT

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

Ad shows a baby climbing stairs unsupervised. A baby should never be promoted climbing stairs. Once they learn they will want to do it again, even unsupervised. I find this disturbing, and not promoting child safety. For this reason it should be removed.

THE ADVERTISER’S RESPONSE

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

The complaint is about showing a child climbing a set of stairs during the advertisement.

In regard to the AANA Advertiser Code of Ethics, Danone Nutricia strongly refutes that we are in breach of any provision of Section 2. The advertisement conforms to Prevailing Community Standards in relation to all parts of Section 2 (2.1 – 2.6).

In particular, the complainant states that the advertisement shows a baby climbing the stairs unsupervised and that he finds this disturbing and not promoting child safety. The child used for the advertisement was 15 months of age at the time of filming. At all times throughout the filming there was a registered nurse on site, positioned just off camera supervising the scene and ensuring the child's safety and comfort. The parent of the child was also just to the right of the camera throughout the filming.

The short scene has the camera angle zoomed in closely on the child climbing the stairs with the full surroundings of the environment not in view. The parent was in close proximity throughout the entire filming slowly coaxing the child up the stairs using a soft toy one step at a time. The positioning of the camera was strategically placed to create the impression of a proud parent looking at their child climbing up the stairs.

The child's parent gave permission for the child to climb the stairs and the nurse on set had assessed the child's gross motor skills as excellent. The skill of climbing the stairs is within the developmental milestones of a child at 15 months of age.

The advertisement cannot in any circumstances be interpreted as failing prevailing community standards of decency, morality, exploitation, degradation, sexuality, language or health and safety.

This response will now address all parts of Section 2 of the AANA Code of Ethics in defense of our advertisement against the complaint.

2.1 Discrimination or vilification

The complainant does not raise the issues of discrimination or vilification. The advertisement does not discriminate in any way.

2.2 Exploitative and degrading

The advertisement is neither exploitative nor degrading.

2.3 Violence

There is no violence shown in this advertisement.

2.4 Sex, sexuality and nudity

There is no sexuality or nudity shown in this advertisement.

2.5 Language

There is no unacceptable language used in the advertisement. The words and phrases are entirely consistent with good and socially acceptable language and are not demeaning or offensive.

2.6 Health and safety

The child's health and safety throughout the filming was of the utmost importance. At all times throughout the filming there was a registered nurse on site supervising the child and ensuring the child's safety. As the child was climbing the stairs the nurse was carefully positioned behind the child at a close distance to guarantee safety (see Registered Nurse's statement attached). Additionally, the child's parent was within arms' reach slowly moving up the stairs coaxing their child one step up at a time.

Every safety precaution was taken in respect of the production of the advertisement. Safety mats were in place throughout the filming and a fully stocked work health and safety first aid kit was on site. The child was given adequate rest and feeding breaks (20 minutes every hour, during the 4 hour filming duration).

In conclusion, Danone Nutricia has acted responsibly and ethically with regard to prevailing community standards in the making and showing of the Aptamil Toddler Stage 3 television advertisement. We do not consider that we have breached any of the provisions of Section 2 of the AANA Advertiser Code 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 concerns that the advertisement depicts a baby climbing stairs unsupervised which is unsafe.

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 for toddler formula features young children achieving various milestones such as climbing stairs, jumping in to a swimming pool and sliding down a slippery dip.

The Board noted the complainant's concern that a baby is climbing stairs unsupervised.

The Board noted the advertiser's response that the child climbing the stairs was 15 months old and was supervised throughout filming. The Board acknowledged that we do not see a supervisor in the advertisement but considered that the overall impression given throughout the advertisement is that the toddlers are supervised and in the stair scene in particular, the

camera angle implies the toddler is being closely followed and when the toddler reaches the top of the stairs he appears to be seeking approval from an unseen person.

The Board noted that both the scenes showing the child on the stairs and the child climbing a slippery dip ladder and sliding down there is no adult shown supervising, however the Board considered the close up shots on the child and content of the scenes suggest there is an adult supervising.

The Board acknowledged that child safety is a serious issue but considered that in the context of an advertisement for a product aimed at toddlers and depicting toddlers achieving milestones, the depiction of a toddler climbing stairs in this scene is not a depiction which is contrary to Prevailing Community Standards on 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.