



CASE REPORT

1. Complaint reference number	231/06
2. Advertiser	Kellogg Aust Pty Ltd (Sustain)
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 13 June 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on two women in their forties standing by the side of a river looking up into the trees. One woman, looking anxious, asks “What on earth are those boys up to now?” and her friend reassures her “Oh, they’re just at that age...you can’t stop them”. The first woman asks “How old is yours now anyway?” and receives the reply “Just turned...44”. We then hear shrieks from their husbands as they are seen swinging out over the river from a rope attached to a tree, and dropping feet first into the water with a loud splash. Later, the husbands are sitting at the campsite eating a Sustain breakfast and one asks “Where did the girls get to?” and we hear more shrieks as the scene cuts to the two women mid-air, swinging from the rope and jumping feet first into the river as their husbands had done.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

There have been many tradgedies (sic).....where people have swung off ropes into the river or other bodies of water leaving them incapacitated. The ad by showing the people using rope swing provides encouragement for other people to copy the behaviour.

The practice is extremely dangerous and the ad should cease broa dc asting on health and safety grounds.

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Although Kellogg recognises that some people may engage in the activities shown in the commercial without taking appropriate precautions, the people in the commercial are shown engaging in the activity in a manner that is safe, reasonable and consistent with the prevailing community standards. The commercial does not encourage persons to engage in such activities in an unsafe manner or in a manner that disregards the advice of government authorities that deal with water safety.

Advices from government authorities relating to water safety do not prohibit or advise against the activities depicted in the commercial, but rather advise of safe ways of engaging in those activities.

The commercial is consistent with such advice, and even demonstrates some of the advice found in the Victorian Water Safety Guide. Specifically:

1. the water is not flowing fast

2. *The people in the commercial are*

a. *falling feet first*

b. *swimming in pairs*

c. *not shown to be consuming alcohol*

3. *The people in the commercial are responsible adults, and can be taken to have checked the water to ensure that it is safe.*

Notwithstanding this, Kellogg would be happy to address Mr Murdoch's concerns by including an advisory super that states "Always check the water for depth and hazards before entering". I have organised a video cassette copy of the revised commercial for you.

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 depicted behaviour that the community is trying to prevent – swinging off ropes into streams, rivers or other bodies of water. The Board accepted that this behaviour is of concern in the community.

The Board noted the advertiser's response and accepted the advertiser's advice that the depictions of people swinging into the water and consistent with advice given by one of the relevant safety authorities about how such activity can be conducted with relative safety. The Board also noted that the advertiser, in advance of the Board's consideration of the complaint, has modified the advertisement to include a safety message.

On the basis that the activity portrayed in the advertisement is consistent with safety messages put out by the community and relevant Government bodies, the Board found that the advertisement did not breach the Code on any grounds and dismissed the complaint.