



## CASE REPORT

1. Complaint reference number	265/07
2. Advertiser	FOXTEL Management Pty Ltd (Exchange)
3. Product	Media
4. Type of advertisement	TV
5. Nature of complaint	Other - Causes alarm and distress
6. Date of determination	Tuesday, 14 August 2007
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a little boy being given a birthday present by his parents - an action figure (Awesome Guy) which he is very pleased with, and so are his parents at their ideal choice. We see various scenes of the boy enjoying playtime with the toy, but gradually his manner of play becomes more aggressive until he starts abusing the figure, kicking it, hitting it with a cricket bat and throwing it against the wall screaming that he hates the toy. We see the family in the car with the child in the back seat holding the action man, as they pull up outside a store. The child is then seen screaming hate at the toy in the back of his parents' car as they drive to a store. They are greeted by a saleswoman who takes the boy and his toy behind the scenes. When the saleswoman returns she brings a different well-behaved boy holding the action man as the parents view the child and agree "Oh yes - very happy. Thank you" and walk off with the new child. A voiceover advises "At Foxtel we understand that you can be into something one day, and over it the next. That's why we'll always let you exchange your package for one that suits you better - any time you like".

## THE COMPLAINT

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

*I find it hurtful to parents who are single or who have problem children, it's not real life. As much as we'd love to trade our kids in sometime it is not possible. This is setting the wrong idea for parents especially for those suffering post natal depression. This ad makes a mockery out of having kids. They are a full time responsibility not a swap over when ever you've had enough.*

*It shows no parental love/care/commitment towards what could be described as a 'difficult' child. Trade in the problem for a 'perfect' child. It was shown during general viewing times and has the potential to alarm children, whether they be the 'problem child' or a sibling. I just find the ad totally offensive.*

*I find it totally unacceptable and offensive that a child can be depicted as a commodity which one can exchange for another who better suits your needs.*

*Children are not things, able to be returned and treated like broken appliances.*

*I object to this commercial for several reasons. 1. What meaning might children bring to this ad as far as their family security is concerned. ie I misbehave...I could be changed for another child? 2. Some thought-less parents will use this concept when their child plays up...eg. "You better watch out or I'll change you like they do in that ad." 3. How little thought was given to the subliminal message in this ad? I've been in advertising for 30 years...I'm sure I can think of at least 100 funny ideas about changing the "wrong package" instead of using this concept about our children!!!!*

*My husband and myself feel it send out many wrong messages 1-temper tantrums (given into) 2-*

violence.

*I believe this ad is damaging to children. One of things children are most vulnerable to is the loss of parents and this ad implies that parents who aren't happy with them can take them to a shop and change them. There are many young children who might believe this. It is an inappropriate and demeaning use of children in advertising.*

### **THE ADVERTISER'S RESPONSE**

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

*The complaint suggests that Foxtel's television commercial is hurtful to parents of problem children and mocks parenthood. Foxtel rejects those views, but in any event they do not breach the Code.*

*Foxtel considers it has no case to answer in relation to the complaint.*

### **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board considered the complaints about the depiction of a child being returned to the store and exchanged for a well behaved child. The Board considered that the advertisement was clearly intended to be humorous and presented as such. The Board considered that the advertisement was fantasy, intended to be humorous, and unlikely to be seen by many members of the public as a serious suggestion that children are commodities that can be returned if they are unwanted. The Board also considered that children watching the advertisement would be unlikely to be distressed by the advertisement. The Board determined that the advertisement did not breach the Code.

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