

CASE REPORT

1. Complaint reference number	270/05
2. Advertiser	Home Building Society
3. Product	Finance/Investment
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 11 October 2005
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

The first scene in this television advertisement depicts three different coloured vans arriving at a roundabout at roughly the same time. As all three enter the roundabout, one of the vans is forced to stop abruptly to avoid a collision with another van. The following scene depicts the blue van attempt to drive down a set of stairs, however, the undercarriage scrapes the pavement, stopping the car quickly. A voiceover states: “*When big banks see something good happening, they like to join in. But they find it's not that easy*”. The next scene in the advertisement depicts three young children approach a pedestrian crossing. As the vans approach the crossing at speed, they brake suddenly, locking their brakes. The first van skids sideways through the pedestrian crossing. The second spins and stops just before the crossing and the third skids and mounts the footpath, stopping close to the children. One child who is blowing bubblegum bubbles, pops the bubblegum. The final scene in the advertisement shows three Mini Coopers travelling along a suburban street. The voiceover states: “*They're [the banks] just too big and inflexible ... So, if you're looking for a loan or savings account that's right for you, head straight for Home*”. The Home Building Society logo then appears.

THE COMPLAINT

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

“*Unsafe/reckless/menacing driving that would breach a Commonwealth law... excessive, sudden, extreme and unnecessary changes in direction/speed.*”

THE ADVERTISER'S RESPONSE

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

“*This TV commercial was filmed under control led conditions and this fact is communicated as subscript on the ad itself. During the actual filming of the ad the children were not in close contact with the vans and it was only during the post production phase that editing was able to create this effect.*”

“*The ad is created in the spirit of fun and ‘cheekiness’ and is in no way intended to promote dangerous or unsafe behaviour on the roads.*”

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board was of the view that despite the light-hearted nature of the advertisement, the scenes (and

driving practices) depicted in the advertisement were in breach of the provisions of the Code relating to health and safety.

The Board considered that the scene showing children standing by the pedestrian crossing was of particular concern. The Board took into account the advertiser's comments that the children were not placed in danger during the filming of the advertisement, rather, the effect was achieved with editing in the post-production phase.

Despite the use of the editing techniques, the Board considered that the images, as depicted, were not within prevailing community standards on health and safety.

Accordingly the Board upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

"I would like to advise that we will be altering the scene in our commercial in which the vans are driving near the children. We intend to recut this scene so that the vans do not come as near to the children as they do in the current version. We have obtained a legal opinion and believe that this should satisfy the Board's concerns."