



CASE REPORT

1. Complaint reference number	323/06
2. Advertiser	Statewest Financial Services Ltd (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, 12 September 2006
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 scenes depict the blue van attempting to drive down a set of steps, the yellow van trying to squeeze through a narrow alleyway and under a low arch. The next scene in the advertisement depicts three young children approach a pedestrian crossing and the red van swerving to avoid hitting them. The red van ends up stopped sideways across the road with the rear of the van on the pedestrian crossing. One child who is blowing bubblegum bubbles, pops the bubblegum. The blue van is then seen driving into a pool of water. The final scene in the advertisement shows three Mini Coopers travelling bumper to bumper imitating the scenes in the film *The Italian Job*.

THE COMPLAINT

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

Vans out of control at crosswalk, where children waiting to cross. Same ad, no change, not modified in any way.

THE ADVERTISER'S RESPONSE

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

(The) original ad was amended on your feedback. My understanding was the main issue was the car mounting the kerb near the crosswalk.

This is the current ad that is running at the moment that had the "offending" scene recut. This was in line with the final case report issued to Home on 25 October 2005 .

We have put the ad on the back burner at this stage and are using a different ad in light of your concerns, even though we disagreed with them.

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 that this advertisement is the modified version of an advertisement considered by the Board in October 2005. In relation to the previous version of the advertisement the Board noted that it had considered 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.’

The Board noted that the advertiser has modified the scene of the cars pulling up at the pedestrian crossing but that there was little if any obvious modification of any other scenes of the advertisement. The Board considered that the advertisement still depicted unsafe driving practices. The Board commented that the advertisement was a fantasy, almost cartoon like, and that the driving practices portrayed in such a fantasy situation would generally be likely to be acceptable. However the Board considered that the inclusion of children in what otherwise appeared as a ‘cars’ world’ meant that the advertisement should depict material that was in line with community safety standards.

Of most concern to the Board was the scene in which the modified advertisement portrayed one car (rather than the original three) pulling up quickly at a pedestrian crossing at which a number of children are waiting to cross. The car swerves and ends up stopped facing backwards slightly over the pedestrian crossing. The Board considered that the depiction of the car travelling at a speed that forced it to stop so dangerously could have resulted in injury to a pedestrian. The Board considered that because this scene included the clear sight of a number of children waiting to cross the road it was a depiction of driving practice that contravened prevailing community standards on road safety.

On this basis the Board considered that the modified advertisement breached section 2.7 of the Code and accordingly, upheld the complaint.

ADVERTISER’S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the Board’s determination to uphold the complaints included the following:

As discussed, we have removed the amended ad from the rotation.