



CASE REPORT

1. Complaint reference number	358/08
2. Advertiser	Woolworths Supermarkets
3. Product	Retail
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 8 October 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man leaving Woolworth's struggling to carry a massive watermelon. A caption "Tom McFadden - a fresh food person" is shown on the screen. He gets to his car and ponders where to put the watermelon, the boot is no good and he puts it on the back seat. As he reverses out and drives along the watermelon rolls around. He pulls over and gets out of the car. Next scene we see him driving along, happy and smiling. He looks over to the passenger seat and the viewer sees the watermelon with the seat belt around it. The Woolworth's slogan is shown then the logo.

THE COMPLAINT

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

If someone did this & transported the watermelon home & they were involved in an accident the watermelon would be a missile & would probably kill the driver - it is not properly restrained in the front seat with the seat belt around it. He would have been better to leave it in the boot & go back into the store & get a box to put it in so it would not roll around in the boot. Not a good advert for safety & irresponsible by Woolworth's to advertise that watermelons can be transported this way

THE ADVERTISER'S RESPONSE

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

*Woolworth's does not consider the advertisement raises any issues under Section 2 of the AANA Advertiser Code of Ethics (**Ethics Code**), Section 2 of the AANA Code for Advertising to Children (**Children's Code**), or the AANA Food & Beverages Marketing Communications Code (**Food and Beverages Code**).*

Section 2 of the Children's Code does not apply to this advertisement as the advertisement is not, having regard to the theme, visuals and language used, directed to children. In any event.

The Food and Beverages Code governs advertising and marketing communications for food and/or beverage products, as well as such advertising and marketing specifically directed towards children. This Code similarly does not apply to this advertisement.

The advertisement, the subject of this complaint, was intended by Woolworth's/ Safeway to demonstrate that Woolworth's understands that people care about their fruit and vegetables in the same way they would care about a child. The depiction of the watermelon rolling around and, subsequently, the gentlemen strapping it into the seat belt demonstrates that Woolworth's goes to great lengths to source the freshest produce and take care in choosing, handling and supplying

that produce.

In any event there is no basis on which to conclude a reasonable member of the audience would be likely to understand that the advertisement would encourage irresponsible driving. The advertisement is directed at the public in a light-hearted manner to demonstrate the care which Woolworth's takes with its produce on the assumption that people generally care about fresh fruits and vegetables.

Woolworth's believes the actions in the advertisement would be considered by members of the relevant audience as a gesture of care and concern, not as a promotion of irresponsible or unsafe driving.

As requested I attach copies of the advertisement and the script.

As you know Woolworth's is committed to complying with the Codes and all applicable laws with respect to its advertising activities. In addition, Woolworth's would like to assure the Board that it is, and will continue to be, careful to ensure that all advertising that refers to it or any of its brands is not offensive and does not promote irresponsible driving.

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 application of Section 2.6 of the Code, relating to health and safety. The Board accepted that the driver's handling of the watermelon in his vehicle was not a depiction of unsafe driving behaviour in contravention of prevailing standards of community safety. The Board accepted the advertiser's response that the depiction showed the driver attempting to handle objects in the car with care and was shown in a light-hearted manner.

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