



CASE REPORT

1. Complaint reference number	384/06
2. Advertiser	TRUenergy
3. Product	Housegoods/services
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 10 October 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a green car driving down a suburban street with the driver making announcements through loudspeakers attached to the roof of the car. Children playing basketball and a man watering his plants stop to listen. As the car passes a woman pushing a pram, the driver lowers his voice in consideration of the baby. Stopping alongside a group of children patronising an ice cream van, the driver asks “Hey kids – who wants a free TRUenergy brochure” – the children give him a bored disinterested stare.

THE COMPLAINT

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

Surely in this day and age we are trying to teach children NOT TO APPROACH strangers in cars offering anything.

It is offensive in that it lightens or satirises the approach of children by unknown male adults. It is akin to a paedophile driving up to children and enticing them into his car.

I always believe that as children are growing up we encourage them to learn right from wrong. Stranger danger, don't talk to strangers and so on.

THE ADVERTISER'S RESPONSE

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

Careful consideration was given to the inclusion of the final scene in the television commercial featuring the children, the Mr Whippy Van and Driver. The scene is intended to contrast, in a humorous fashion, our excitement about meeting customers' energy needs with the disinterest shown by the children.

The TRUenergy representative is driving around in broad daylight, in a TRUenergy branded vehicle and calling attention to himself with a megaphone. The children respond to the offer of a free brochure with complete disinterest. That disinterest - the blank looks and the fact that the children do not approach the car - is, I believe, an entirely appropriate response.

There are 6 children featured in the shot (as opposed to a more vulnerable child on his / her own) and they are located in their own residential street.

Another adult has also been included in this scene - the ice-cream van driver. TRUenergy does not consider that the links between the circumstances in the advertisement and paedophilia are strong.

TRUenergy certainly does not condone paedophilia.

None of the children approach the car. All of the children look at the person in the car as if he is mad. TRUenergy does not consider that the advertisement encourages children to approach someone handing out brochures.

THE DETERMINATION

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

The Board viewed the ad and considered whether the scene of the man in the TXU Van approaching the children contravened section 2.6 of the Code dealing with health and safety.

It was the strong view of the Board that the advertisement did not depict a scene that implied paedophilic acts.

On the question of whether the advertisement may have undermined the common message to children, “Don’t talk to strangers”, the Board felt that the non-response of the children at the end advertisement served to strengthen this message rather than undermine it.

The Board also noted that the advertisement depicted a man driving a car while using a megaphone. The Board noted that while this behaviour could be dangerous, in this advertisement the man is depicted driving at low speeds and appears to be in control of the car at all times.

The Board determined that the advertisement did not contravene section 2.6 of the code dealing with health and safety in relation to children or in relation to driving.

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