



CASE REPORT

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| 1. Complaint reference number | 40/08 |
| 2. Advertiser | Buzzbee Toys (Steady Stream Water Warriors) |
| 3. Product | Toys & Games |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Advertising to Children Code – Safety – section 2.4 |
| 6. Date of determination | Wednesday, 13 February 2008 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a science laboratory where design drawings are seen on a huge screen and young boys are marvelling at the new features of the water blaster. A voiceover announces "They asked us for a major improvement. And here it is. Steady Stream, the new generation Water Warriors gun. Reduced mass, it's flatter, more compact. Technological with a special steel spring for constant pressure and an all-powerful jet." The boys are seen in various instances firing the guns to test them. One boy sitting at a computer has a plastic cup of water spilt over when another boy blasts it with a jet of water. As the boys continue to play the voiceover adds "Great precision, its jet is continuous and shoots so far, so far. Challenge your friends with long lasting or far shooting fun. Water Warriors Steady Stream. The maximum power from Buzzbee. Each sold separately."

THE COMPLAINT

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

I am concerned that they show water and electricity together. In a way that would encourage a child copy and shot water near or at someone on a computer. I believe that this is "promoting of unsafe or dangerous behaviour/activity" (sic).

I am very concerned with this ad as no duty of care or safety to young children has been shown. Many young kids would view this ad and think it's OK to blast water around electrical fields, they would think there's no risk of injury to themselves, equipment and household.

THE ADVERTISER'S RESPONSE

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

The commercial certainly shows lots of demonstration of the water gun and in one scene a stream of water knocks over a plastic cup of water on a desk whilst a child is playing on his computer.

I do not believe that this scene would encourage any child to squirt a water gun at a computer. It does not show electrical cables or even the water splashing the keyboard or computer.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Advertising to Children Code (the Children's code).

To come within the Children's Code, the material being considered must be an "advertisement". The Children's Code defines an "Advertisement" as follows: Matter which is published or broadcast in

all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct”.

The Board decided that the material in question was published in a substantial section of Australia for valuable consideration, as it was part of a catalogue for a large toy store. The Board determined that the material draws the attention of the public or a segment of it to a “product” being the Steady Stream Water Warrior in a manner calculated to promote...that product”.

The Board then needed to determine whether the advertisement is an “Advertisement to Children”, which is defined in the Children’s Code as meaning: Advertisements which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product”.

“Children” are defined in the Children’s Code as being 14 years old or younger. The Board determined, noting the product, the timing of the advertisement and the images in the advertisement, that the advertisement was directed primarily towards children and was therefore within the scope of the Children’s Code.

Having concluded that the material is an “advertisement to Children” as defined by the Children’s Code, the Board then had to determine whether the advertisement is for a “Product”. “Product” is defined in the Children’s Code as meaning; goods, services and facilities which are targeted toward and have principal appeal to Children”.

The Board determined that the Steady Stream Water Warrior is a “good” targeted toward and having principal appeal to Children and accordingly is a Product.

The Board determined that the advertisement should be considered under the AANA Children's Code.

The Board noted the complaints about the advertisement's depiction of the water pistol being used at a child seated at a computer, and showing water spilling on the desk.

The Board noted Section 2.2.1 of the Children's Code which provides:

'Advertisements to children (a) must not portray images or events which depict unsafe uses of a product or unsafe situations which may encourage children to engage in dangerous activities.'

The Board considered that this particular advertisement did depict an unsafe use of a water pistol (ie: indoors and around electrical equipment) and that this may also encourage children to use water pistols around electrical equipment which the Board considered was a dangerous activity. Accordingly the Board determined that this advertisement did breach Section 2.2.1 of the Children's Code.

On this basis the Board determined that the advertisement for the Steady Stream Water Warrior breached the Children's Code.

The Board then considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”) in particular Section 2.6 of the Code. The Board was strongly of the view that the images of the children using the water pistol around electrical equipment was a depiction of behaviour that is contrary to prevailing community standards on safety, in particular appropriate and safe play by children.

The Board determined that the advertisement did breach the Code and the Children's Code and accordingly upheld the complaints.

ADVERTISER'S RESPONSE TO DETERMINATION

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

Whilst at this time the commercial is not scheduled for continuing airing, I expect that come next summer the client will wish to do so.

Therefore I propose to modify the commercial by editing out the brief sequence where the boy is

sitting at his computer and the stream of water is directed towards the computer and knocks over the glass of water.

I hope this resolves the issue.