



CASE REPORT

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| 1. Complaint reference number | 417/06 |
| 2. Advertiser | Hans Continental Smallgoods |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 14 November 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a young boy on a backyard swing, wearing a blue bucket with stuck-on wings on his head. His mother comes outside bearing a sealed tray of “Ham To Go” sticks calling “Lunch time”. As her son swings towards her, she pops a ham stick through the mouth hole cut into the bucket-mask and it gradually disappears as the boy eats it.

THE COMPLAINT

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

It could lead to a choking incident. People with children understand full well the dangers of children eating whilst moving around.

THE ADVERTISER’S RESPONSE

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

Safety with children was of paramount concern to us given that it is a key concern of our target and causing any unnecessary anxiety would be detrimental to our brand and the launch of this new product.

With this in mind, we pre-cleared the scripts through CAD and our own legal counsel prior to production and did make some adjustments suggested within the Swing script to accommodate safety concerns, specifically in connection to ensuring the swing was solid, sturdy and clearly linked to a safe structure. Concerns based on eating while moving were not raised.

I believe the most critical consideration of safety is that the child is clearly under parental supervision. Mum is at the swing when the child eats and is providing the food under supervision.

Children do unusual, comical things in everyday life, the bucket on the head came from real scenarios many parents have experienced with their children. We would argue that a supervised backyard activity, and a supervised eating occasion does not constitute an unsafe or dangerous activity for children.

Hans Smallgoods and McCann Erickson practice a responsible attitude for all of our communications in particular with regards food and children.

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 advertisement and considered whether the advertisement contravened section 2.6 of the Code dealing with prevailing community standards of health and safety. The Board considered the complainant's comments that the advertisement could lead to a choking incident.

The Board noted the mother putting the cylindrical food product in the child's mouth while the child is swinging. The Board also noted that the child reaches the food at the top of the swing's arc and that the mother's hand is nearly stationary as the child bites the food from her hand. The child deliberately sucks the food into his/her mouth slowly and there are no sudden movements of the swing's natural pattern.

The Board also noted that the sucking of the food into the child's mouth did not actually look realistic.

The Board acknowledged that it is not generally advisable to eat while playing, but that the mother was supervising the child in the advertisement. The Board considered that the practice of itself is not recognised as highly dangerous and the images in the advertisement are not likely to lead to any serious choking incident. Hence the Board's view was that the depiction did not contravene community standards on health and safety according to section 2.6.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.