



## **CASE REPORT**

1. Complaint reference number	443/06
2. Advertiser	Fonterra Brands Australia Pty Ltd (Bega cheese)
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 shows children in a suburban backyard swinging on a rotary clothes hoist, while their father hoses the garden and occasionally reaches out to keep the hoist moving. A child's voiceover relates "We've been told a hundred times. It's not a swing. It's not a toy. It's a clothes line." The scene switches to the kitchen where a mother is preparing a meal and calls out "Dinner!", the children rush inside and the voiceover continues "But when Mum's cooking with Bega, you only have to call us once." The father, left alone in the yard with no one watching, decides to relive his own childhood by himself swinging on the hoist as the children had, however his weight causes the hoist to bend and collapse, dropping him to the ground, as he looks sheepishly around to see if anyone saw the incident. He then joins the family at the dinner table, saying nothing about the damage to the hoist.

## **THE COMPLAINT**

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

*It offends me because it is so irresponsible. I worked for 30 odd years in the health industry and saw several children injured because they had swung on rotary clotheslines which had broken. I have also known of children who have died, one was virtually hung, because of tragic accidents which rusted and faulty rotary lines. As the children say in the add - they should not swing on them but then to see an adult swing on one and it break does not send a responsible message. There must be other ways to advertise cheese, using an Australian theme, that do not promote a dangerous activity*

## **THE ADVERTISER'S RESPONSE**

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

*We have considered the complaint and do not share the complainant's view that the Hills Hoist advertisement portrays material that is contrary to the prevailing community standards on health and safety. Rather the advertisement portrays in a responsible and humorous manner something that all Australians can relate to. We have set out below in more details the reasons for our conclusion.*

*We do not believe that the advertisement is irresponsible. It was written to represent the fun that Australian families might have and in particular captures some of that Australian irreverent spirit as the father does what we know he shouldn't do.*

*The Bega brand is about everyday special moments in Australian family life. It is about the memories created in the family environment that last a lifetime. Playing on the Hills Hoist is a fond iconic memory for many Australians.*

*The execution utilises two Australian icons. Firstly, the Hills Hoist itself, which is quintessentially Australian and part of family life. Secondly, swinging on the Hills Hoist is something that people have done since its invention.*

*We have taken a responsible stance as the advertisement does clearly say that you shouldn't swing on the Hills Hoist "...it's not a swing, it's not a toy, it's a clothes line". Despite the kids knowing this, they are swinging on it. But this is under adult supervision, with 'Dad' swinging the line for the kids.*

*Whilst the Dad swings on the Hills Hoist at the end, the fact that the Hills Hoist breaks clearly shows the folly of this actions and what might happen if you were to do this. Surely, this focuses on the consequences that may take place if you do this, and therefore we do not believe that it promotes swinging on the Hills Hoist.*

*The Dad's expression after he breaks the Hills Hoist demonstrates that he knows he has done the wrong thing and he is unlikely to do it again.*

*We have received verbal compliments regarding this advertisement particularly feedback from adults about their fond memories of doing this as a child and the fun they had. Feedback has focused on the Australian-ness of the advertisement and the family fun that it communicates. An email from a consumer was also received.*

## **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 noted the complainant's comments that the advertisement depicted dangerous acts contrary to community standards of health and safety.

The Board considered whether the advertisement breached Section 2.6 of the Code dealing with community standards of health and safety.

While the Board accepted that swinging on a clothesline is unsafe, the Board also noted the child's voice-over saying, 'it's not a toy, it's a clothes line'. The Board also noted the chastened behaviour of the father after he broke the clothesline by swinging on it himself.

These features of the advertisement contextualise the behaviour and make clear that such actions can be dangerous. Hence, given the broader context of the advertisement, the Board determined that depicting such behaviour did not breach section 2.6 of the Code.

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