



CASE REPORT

1. Complaint reference number	480/08
2. Advertiser	Daisy Pool Covers
3. Product	Leisure & sport
4. Type of advertisement	Pay TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 10 December 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Daisy Pool Covers shows a girl and boy covering a pool with a blue pool cover. A shape moves in the water under the pool cover and an animated cartoon duck jumps out of the pool and appears in various locations around the pool while a voice over which is clearly meant to be the duck says: "Daisy sells the pool covers that save thousands of litres of water every month in evaporation. Just as well I'm aquatic. Make sure the pool cover you choose is a genuine Daisy because only Daisy Pool Covers have the ultradome bubble that is thicker and stronger so it lasts years longer." Finally a graphic shows the duck and the words "Daisy - made stronger to last longer".

THE COMPLAINT

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

A child watching this ad sees a cuddly little duck swimming under a pool cover and then standing on a pool cover, if the child was young enough this could seem plausible, and acceptable without realizing the dangers of being trapped under a pool liner or falling into one.

THE ADVERTISER'S RESPONSE

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

AANA Advertiser Code of Ethics item 2.4 states that the ad must comply with the communication to children code. The communication to children code only applies to products primarily aimed at children. A solar pool cover is not aimed at children. Our target audience is 35 to 55 year olds, therefore the demographic ad placement time slots are typically not at a time when children (young enough as complained) are watching. The ad is no more real or cuddly than a cartoon or animated show.

AANA Advertiser Code of Ethics item 2.6 Health and Safety

The following policy is lifted from the Royal Life Saving website <http://www.royallifesaving.com.au/www/html/149-keep-watch-overview.asp> and adopted by governments and councils around Australia when discussing water safety.

Water is a fun and enjoyable environment for children. Time spent in the water assists in a child's physical and intellectual development. The ability to safely enjoy the water benefits us throughout life. Positive experiences begin from birth - bath time is the ideal introduction to the aquatic experience. Parents and carers can encourage children to feel comfortable in the water by playing and making bath time fun.

What is Keep Watch?

Keep Watch is a public education program of the Royal Life Saving Society Australia, aimed at preventing drowning deaths of children in all aquatic locations. There are four main strategies of the Keep Watch program that parents and carers of children are encouraged to undertake to prevent children from drowning.

Keep Watch Strategies

- *Supervise your child*
- *Provide barriers to water locations*
- *Familiarise your child with water*
- *Learn resuscitation*

And from [http://www.royallifesaving.com.au/resources/documents/Page7Low\(304KB\).pdf](http://www.royallifesaving.com.au/resources/documents/Page7Low(304KB).pdf)

A. Royal Life Saving believes there are four things you need to do to prevent drowning:

- 1. Fence the pool with a four sided fence, this means that access to the pool is via a gate not the house. It is also preferable that the pool area is only used for swimming and that any equipment not related to the functioning of the pool should be stored outside the pool area.*
- 2. Children should be supervised whenever they are in, on or around water, and this supervision should be by an adult and the child should be within arms reach at all times.*
- 3. Have you and your child undertake water familiarisation classes.*
- 4. Learn resuscitation*

Having discussed the above, supervision, limited access, familiarisation and removing the product as instructed reduces the risk of children drowning.

We do not believe that as complained it is plausible for a child to be influenced in 8 seconds of our animated duck in an adult orientated TV time slot.

A child should always be supervised within a pool enclosure. If a child was in the pool enclosure and went to walk on or swim under a solar pool cover then the supervising adult should be at hand to take appropriate action.

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 prevailing community standards of health and safety. The Board noted that the character featured in the advertisement was an animated duck. The Board considered that the depiction of the duck swimming under the pool cover and emerging from beneath it was an unrealistic scenario and unlikely to encourage copycat behaviour in children or adults alike. The Board therefore determined that the depiction was not contrary to prevailing community standards of health and safety and found no breach of Section 2.6.

The Board also noted that it considered the advertisement was not directed primarily towards children and therefore the AANA Code for Advertising to Children did not apply.

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