

## CASE REPORT

1. Complaint reference number	530/09
2. Advertiser	Sanitarium
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 25 November 2009
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This advertisement depicts young people awaking from sleep and jumping up and out of their beds and then diving through their bedroom window to start their favourite activity. The ad cuts to one girl getting ready to go running, another guy surfing and another guy swimming. The up and go liquid breakfast, what gets you up in the morning.

## THE COMPLAINT

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

*I think if young children were to see this ad they might think that it was ok to jump out of windows.*

## 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 the advertisement in question in light of the provisions of the AANA Code of Ethics ("AANA Code"). We note that the nature of the complaints relate generally to section 2.6 on health and safety, and specifically to the concern that the advertisement in question may lead children to jump out of windows.*

*We have carefully considered the AANA Code and have assessed each of the provisions against the content of this advertisement. We find that the advertisement does not breach the AANA Code, for the reasons set out below.*

*The advertisement is intended to communicate the message that Up&Go is a breakfast option for those with an active and fast paced lifestyle, and is tied in with an overall philosophy of embracing the day and getting the most out of life. The advertisement shows a range of young adults waking up in the morning and jumping out of bed and straight into activities that they enjoy, including swimming, surfing and running.*

*These are clearly fanciful and unrealistic scenarios, and not intended to be taken literally. The fact that the people are dressed in their pyjamas when waking up, and are then dressed in appropriate surfing, running or swimming gear when they jump into their activity, reinforces that this is a fanciful and unreal situation. Given that they are just waking from sleep, this also reinforces the dream like theme, in that these people are not actually physically jumping out of their windows into these activities. Rather they are shown acting out a fantastical scenario of waking up and immediately being in their desired place, without having to go through the mundane tasks of getting ready, eating breakfast and getting to where they want to be.*

*The advertisement is not set up in such a way that it is suggesting people actually engage in this behaviour, that is, it not encouraging people to jump out of their windows. The general context and the clear change of scene and clothing demonstrates a clear suspension of reality. Further, the activities that are shown (that is running, surfing and swimming) are normal everyday safe activities.*

*The advertisement is not directed at children, nor is it depicted in such a way that it would be appealing particularly to children. The characters are young adults and they are engaging in adult activities. In this regard we confirm that the advertisement was classified as PG (Parental Guidance recommended) and was only shown in timeslots appropriate for this rating. It did not receive a C, G, W or Y rating which apply to children or general programming and was thus not shown during those times. Specifically this television commercial has only been aired on weekdays from 7pm and from 11 am on Sundays and the media placement is not specifically targeted towards children's programming.*

*We confirm that a safety officer was on site during the full course of shooting the commercial and that all appropriate safety measures were taken to ensure the safety of the persons involved in the shoot. We also note that the advertisement first went to air on 21 August 2008, some 14 months ago, and no complaints have been received during this time.*

*Given the above we consider that it is unlikely that the advertisement would lead to copycat behaviour in children or adults. Further we consider that the advertisement does not depict material that is contrary to prevailing standards of health and safety.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement depicts young people jumping out their window and that it might lead to copy cat behaviour by young children, who might believe the advertisement.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: "*Advertising or Marketing communications shall not depict material contrary to Prevailing Community Standards on health and safety.*"

The Board noted that the advertisement was intending to show that the young people were able to leap out of bed and get to their training or fitness regime with a liquid breakfast. The Board noted that the advertisement did show young people leaping out of their bedroom window and that they were then seen to be landing or swimming or surfing. The Board agreed that the advertisement was similar to some children's programs that show people flying through the air or leaping out of trees and was not likely to induce young people to try this sort of behaviour at home.

The Board agreed that most members of the public would understand that the advertisement was fancified and not indicating that the product would enable one to fly out their bedroom window straight to the pool, or sea. The Board considered that the advertisement did not breach section 2.6 of the Code.

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