



## **CASE REPORT**

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|-------------------------------|---------------------------------|
| 1. Complaint reference number | 94/07                           |
| 2. Advertiser                 | Nestle Australia Ltd (Cheerios) |
| 3. Product                    | Food & Beverages                |
| 4. Type of advertisement      | TV                              |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Tuesday, 10 April 2007          |
| 7. DETERMINATION              | Dismissed                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement features scenes where family members are shown enjoying Cheerios in a variety of settings. One scenario shows two small children being discovered sitting in a large cardboard box eating their Cheerios.

## **THE COMPLAINT**

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

*Two children hiding inside a cardboard box...Showing potentially dangerous behaviour if imitated by young children They might even decide to hide inside a trunk or other type of box that may not be so easily opened, thus asphyxiate.*

## **THE ADVERTISER'S RESPONSE**

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

*While this Company appreciates Mrs Chessa's concerns about the need to be conscious about the safety of children during play, children have been using cardboard boxes to play imaginary games and creating structures for generations. These include making go-carts, sleds, cubby houses or using the boxes as a hiding place in games such as hide 'n seek.*

*We submit that empty cardboard boxes, particularly those of the type used in the CHEERIOS television commercial, are not inherently dangerous for children to play with. The potential danger arises when young children, in particular, are allowed to play with boxes, unsupervised. This is not the case in the CHEERIOS commercial.*

*As can clearly be seen in the CHEERIOS commercial, the children are sitting in the box in the house, adults are in the house, as evidenced by the scene preceding the "box" shot, and the four sides of the lid are pushed back. Even if the lids were closed, one of the children merely standing up could push the four sides of the lid open with little effort.*

*We do not agree that the television commercial shows potentially dangerous behaviour. It merely shows having fun with a cardboard box with an easily opened lid in a supervised environment. In those circumstances, we submit that the advertisement is not in breach of Section 2 of the AANA Advertiser Code of Ethics and accordingly the Advertising Standards Board should reject the complaint.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section

2 of the Advertiser Code of Ethics (the “Code”).

The Board agreed that children playing in boxes indoors (as depicted) was safe and not against prevailing community standards of health and safety. Hence the Board found that the advertisement did not breach Section 2.6 of the Code dealing with health and safety.

The Board also considered whether the advertisement breached the AANA Food and Beverages Advertising and Marketing Communications Code (“F & B Code”). In the absence of presented evidence to the contrary, the Board found that the advertisement did not breach the F & B Code.

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