

## Case Report

1. Case Number :	0073-24
2. Advertiser :	Donohues
3. Product :	Clothing
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	20-Mar-2024
6. Decision:	Upheld – Modified or discontinued

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a family on a farm and shows children travelling in a side-by-side utility terrain vehicle.



### THE COMPLAINT

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

*Health and safety.*

*The ad shows two adults in a side x side off road machine on private property with two very young children riding kneeling unrestrained in the rear cargo area. This is contrary to all recommendations. Deaths in such circumstances have happened*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*This ad was designed to showcase rural life and the products associated with it. The family pictured are owners of the vehicle and property on which the ad was shot, they are long-time customers of Donohues. The vehicle was not travelling at speed, the music in the ad is designed to build that impression. Permission was granted from all parties.*

*We respect this complaint process and have taken the ad off air immediately. We do not endorse or promote unsafe behaviour and apologise for any upset caused. We are more than willing to alter/edit the ad if that is the outcome of this process.*

## THE DECISION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts unsafe behaviour.

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

### **Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the Practice Note to Section 2.6 which states:

*"Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.*

*In relation to the portrayal of farming, the dangerous use of quad bikes, children riding on tractors or other unsafe practices involving farming machinery will be contrary to prevailing community standards relating to health and safety.*

*Advertising which demonstrates the unsafe use of machinery, even when not the focus of the advertisement, is likely to be seen as unsafe and against prevailing community standards on health and safety.*

The Panel noted that having passengers in the back of this kind of vehicle would be against health and safety guidelines on the use of this vehicle.

The Panel acknowledged that this may occur on many farms, however considered that the depiction of such behaviour in an advertisement encourages and condones the dangerous behaviour.

The Panel considered that the misuse of farm equipment even by those who are experienced can cause injury and death. The Panel considered that depictions of such equipment being used should always be in line with health and safety guidance.

Overall, the Panel considered that the behaviour depicted was against prevailing community standards on farm safety.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement breached Section 2.6 of the Code, the Panel upheld the complaint.

### **THE ADVERTISER'S RESPONSE TO DECISION**

We have already taken the ad off air and this email is further confirmation that the ad is not airing on any television channels.

I will have the ad edited to remove the offending footage of the four wheeler.