

## Case Report

1. Case Number :	0079-24
2. Advertiser :	Mondelez Australia
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	3-Apr-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a young boy waking up early and sneaking out to try to get a large chocolate egg out of a tree. He uses a bat, climbs on a doghouse and uses a hose to try to reach the egg. Unsuccessful, he sits under the tree and the egg falls into his lap. The scene cuts to a mother waking up her young daughter who has a broken leg. She sits up and sees the large chocolate egg, as the boy pretends to be asleep.



### THE COMPLAINT

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

*So why did the parents put the egg high up in the tree? For one child to break her leg so then her brother attempts to retrieve it maybe nearly breaking his leg??!*

## THE ADVERTISER'S RESPONSE

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

*Cadbury Dairy Milk's Easter eggs have brought enjoyment to Australians for generations, and Easter is a time to continue to come together and look out for one another.*

*The TVC tells a simple story about generosity and human connection through the eyes of a boy on Easter morning. He sneaks out very early to his backyard for an Easter egg hunt before anyone else in the house wakes up.*

*He finds a generous Cadbury Dairy Milk Easter Egg in the garden, up in a tree, and tries everything he can to get his hands on it as it's deliberately out of his immediate reach.*

*He is shown using his cricket bat to try and knock the egg down and also moves and climbs up onto his dog's kennel to increase his reach. He also uses the garden hose in an effort to knock it down. As he gives up and sits with his back to the tree, the egg drops into his lap.*

*The child's efforts exhibit the adventurous, determined behaviour of a healthy and active Aussie child who enjoys the outdoors, playing, jumping and climbing in the safety of his own backyard. It is reasonable to assume he spends plenty of time there as we are shown a backyard full of kids equipment, including an elaborate tall tree house, sandpit, and plenty of sporting equipment and other toys strewn across the backyard.*

*It is also reasonable to assume the egg was placed in the tree by the child's parents who would best know the capability of their child and safety would always be a key consideration of parents for their children. We do not believe this content encourages or condones unhealthy or unsafe behaviour having regard to Prevailing Community Standards to which we assume the complaint is made.*

*The boy's mum and twin sister are pleasantly surprised when they discover the young boy has managed to get the big egg, not for himself, but for his little sister who has a broken leg and can't go outside Easter egg hunting.*

*The TVC is signed off with Cadbury's "There's a Glass and a Half in Everyone" line, a reference to the brand's historical recipe and the fact that there is kindness in every individual.*

## **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 behaviour which could cause injury.

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 considered that there is no indication that the young girl had broken her leg while trying to retrieve the chocolate egg, or that her injury was the result of parental negligence.

The Panel noted that the family has a cubby house/tree house in the yard, suggesting that children are able and allowed to climb up to it. The Panel noted that although the boy climbed onto the dog house, he could as easily have been standing on the ledge of the cubby house and been at the same height.

The Panel noted that there are other chocolate eggs in the yard at ground level, and considered that there is no clear suggestion that the boy is unsupervised even though he believes he has 'snuck out'.

The Panel considered that the overall impression of the ad is of a young boy who wants to surprise his injured sister, and considered that most members of the community would not interpret the advertisement as promoting unsafe behaviour or negligence on the part of the parents.

Overall, the Panel considered that the advertisement did not portray material contrary to Prevailing Community Standards on child safety.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and concluded that it did not breach Section 2.6 of the Code.

## **Conclusion**

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