



Case Report

1	Case Number	0010/15
2	Advertiser	Smirkey's Sports
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/01/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for a sport and camping store includes a scene showing two young children in a large icebox with the lid up. Other scenes show children jogging on treadmills as well as product shots of items that can be purchased at the store.

THE COMPLAINT

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

The advertisement includes a segment which shows two small children inside a large esky/icebox with a fixed lid. This may influence children to play within a similar item which could possibly lead to a fatality.

THE ADVERTISER'S RESPONSE

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

*You or the complainant cannot be serious. I do not have the time to address such issues. I'm too busy trying to run a business which pays for departments such as yours. If anything the complainant (oxygen thief) is harassing me.
Kids are killed everyday in cars / pools / on bikes etc.. does this mean we do not show kids on*

*TV in cars / riding bikes/ or swimming.
Contact GWN if you want copies of this hideous crime.
I've got to get back to work now on important stuff.*

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 concern that the advertisement features small children in an esky which is potentially dangerous and is against prevailing community standards on health and safety.

The Board viewed the advertisement and noted the advertiser chose not to provide a response.

The Board considered 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 features children demonstrating the sports and leisure products available at Smirkey’s Sports.

The Board noted the advertisement features a scene where children can be seen jogging on treadmills. The Board expressed concern around this depiction due to the age of the children and the lack of visibility of access to a ‘safe stop’ button should they encounter any difficulties. The Board noted that an adult appeared to be supervising the children and considered that overall the scene did not encourage or condone the unsafe use of a treadmill by a child.

The Board then noted the scenes featuring a young boy standing inside a Waeco fridge and two young children standing inside a large icebox esky.

The Board noted it had previously upheld similar complaints in the following cases:

0178/10: “The Board noted that there is a level of community concern about safety of children around empty fridges and freezers. The Board noted that, while fridges and freezers are no longer made with locks on the doors, should a child become shut into a fridge or freezer, it may be difficult for a child to get themselves out.

The Board noted the advertiser’s response, including the advertiser's intention to withdraw the advertisement, and that the depiction of the man in the fridge is intended to show, in a humorous manner, the 'thoroughness' of the research that the advertiser conducts on a product. The Board considered however that the man is depicted in the fridge in a manner that is reminiscent of a game and that this image could be attractive to children.”

0406/11: “The Board noted the advertisement features Harvey Norman staff

advertising a sale and in one scene we see a female staff member emerging from a chest freezer.

The Board noted that there have been instances where children have become trapped in freezers or other white goods and considered that the depiction of a woman in a freezer in the advertisement was a depiction which is contrary to community standards on health and safety. The Board noted that safety around electrical appliances is an important public safety issue and that the advertiser had noted that it was not appropriate to show this in the advertisement.”

In the current advertisement the Board noted the depiction of young children in both a fridge and an esky, both of which are large enough for a young child to fit in to and both of which have lockable or airtight lids which could lead to a child becoming trapped inside. The Board considered that the actions depicted by the children in the advertisement are actions that may be copied by other children. The Board considered that consistent with its previous determinations these depictions are contrary to prevailing community standards on health and safety.

The Board determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Are you time wasters still wasting my important time.

How many people have complained about my ad in ten years??

ONE oxygen thief. And you take this oxygen thief's side and waste peoples' time to justify your so called job.

The iceboxes in question are not self locking and impossible to lock unless some '...' physically throws a child in there and physically holds the lid down with considerable weight and latches the unit.

By the way this is probably shown on some T.V. programs that have endless themes of violence.

Free TV have confirmed to the ASB that the advertisement has been withdrawn from air and will not be played again.

