

<b>COMPLAINT NUMBER</b>	17/112
<b>COMPLAINANT</b>	J Groves
<b>ADVERTISER</b>	ANZ Ltd
<b>ADVERTISEMENT</b>	ANZ Ltd, Television
<b>DATE OF MEETING</b>	26 April 2017
<b>OUTCOME</b>	Not Upheld

## SUMMARY

ANZ Ltd's television advertisement shows a boy aged about 10 - 12 sitting on the shoulders of a girl of a similar age. The boy peers over the top of a tall fence and the girl calls out to the neighbour who is clearing leaves from his swimming pool "Hey mister, what's your pool doing later?" The man looks up and the boy waves. We next see the children in the pool, while a voiceover talks about ANZ's new home loan rate.

The Complainant was concerned that the advertisement encouraged children to swim in fenced neighbouring pools without asking permission and without supervision. If children drowned doing this, the pool owner would be responsible.

The Complaints Board found that the advertisement showed the children asking permission to swim in the pool and the implication was that this was granted. Although no adult was seen when the children were swimming in the pool, there was no evidence that they were unsupervised. A minority of the Board felt the advertisement should have shown permission being granted by the neighbour.

Accordingly, the Complaints Board ruled the complaint was **Not Upheld**.

### [No further action required]

Please note this headnote does not form part of the Decision.

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## COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 and Rule 12 of the Code of Ethics. This required the Board to consider whether the advertisement had been prepared with a due sense of social responsibility to consumers and society and whether it contained any visual presentation or description of dangerous or illegal practices or situations which encourage a disregard for safety.

### **The Complaints Board ruled the complaint was Not Upheld**

#### **The Complaint**

The Complainant said showing two children swimming in a neighbour's fenced pool 'without an adult in sight' implied that it was all right for children to do this. As a pool owner, the Complainant 'strongly disagreed' with the advertisement because 'it is encouraging the

neighbours' children to enter my fenced pool area without my permission and the consequence of drowning will fall back on me the pool owner'.

### **The Advertiser's Response**

The Advertiser said the advertisement shows an adult neighbour present, cleaning his pool, and that the children have 'clearly asked him for permission to use the pool before entering. The intent is not to encourage children to enter any pool without first asking permission'.

The Advertiser said the advertisement is part of a campaign aimed at audiences over 25 years of age. 'The purpose of the advertisement is ANZ's home loan rate and not water safety. The advert is based on the idea that a Kiwi home is where everyone feels welcome.'

Prior approval for this advertisement was obtained from the Television Commercial Approval Bureau and the Advertiser said 'the water safety aspect was extensively considered'.

### **Precedents**

The Complaints Board reviewed a precedent decision, Complaint 17/066, in relation to a shorter ANZ advertisement, which was ruled No Grounds to Proceed. That advertisement only showed the children asking permission to swim in the pool, it did not show them swimming in the pool.

The Board also discussed a decision 12/221 for a Kiwi bank television advertisement which contained a scene where a boy jumped from a rock into a river. The complaint was upheld on the basis that the majority found that scene breached Rule 12 and Principle 4 of the Code of Ethics. The rationale was that there was unsupervised swimming and while intended for adults the advertisement had significant appeal to children who would watch it when it was played and could undertake copycat behaviour.

### **The Complaints Board Discussion**

The Complaints Board discussed who the advertisement was aimed at and while they agreed that the target audience was adults in the market for a home loan, they felt the advertisement would also appeal to a younger audience because it showed children having fun.

The Board agreed that the advertisement clearly showed the children asking permission from the neighbour to swim in his pool. The Board discussed whether permission was given and the majority's view was that this was implied. The majority of the Board felt it would be 'a stretch' to think that the children would be in the pool without permission, as they would have had to get to the pool via the entrance to the neighbour's property – in the advertisement the children struggled to even see over the top of the fence. The majority thought that although the neighbour wasn't shown in shots of the children playing in the pool, there was no evidence to suggest that the children were unsupervised.

The minority felt that the advertisement showed a situation where the children were swimming in the neighbour's pool when no express permission had been given and that they were not being supervised as no adult was shown. The minority felt that there was a risk of copycat behaviour and the advertisement showed a situation which encouraged a disregard for safety.

The majority of the Complaints Board agreed that the advertisement had been prepared with a due sense of responsibility to consumers and society. They found that it didn't show or describe any dangerous or illegal practices or situations which encouraged a disregard for safety. The minority said because of the advertisement's appeal to children and the risk of copycat behaviour, the advertisement breached the Code. In accordance with the majority the Complaints Board found the advertisement was not in breach of Basic Principle 4 and Rule 12 of the Code of Ethics.

Accordingly, the Complaints Board ruled the Complaint was **Not Upheld**.

## DESCRIPTION OF ADVERTISEMENT

ANZ Ltd's television advertisement shows two children aged around 12 approach a tall wooden fence. The boy clammers onto the girl's shoulders and peers over to next door, where a man is clearing leaves from his swimming pool. The girl calls out "Hey mister, what's your pool doing later?" The man looks up and the boy waves. We next see the children in the pool, while a voiceover talks about ANZ's new home loan rate.

## COMPLAINT FROM J GROVES

ANZ portrays two children following up the previous advert to go into a neighbours fenced pool area without an adult in sight and they are implying that this action is alright to do. As a pool owner, I strongly disagree with this advert as it is encouraging the neighbour's children to enter my fenced pool area without my permission and the consequence of drowning will fall back on me the pool owner.

## CODE OF ETHICS

**Basic Principle 4:** All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

**Rule 12: Safety** - Advertisements should not, unless justifiable on educational or social grounds, contain any visual presentation or any description of dangerous or illegal practices or situations which encourage a disregard for safety.

## RESPONSE FROM ADVERTISER: ANZ LTD

Date advertisement began	30" TVC went to air w/c 2nd April
Where the advertisement appeared	TV, press, OOH, You Tube, Facebook, proprietary owned media, digital display banners, website <a href="https://comms.anz.co.nz/home/index.html?pid=RETHLO-VAN-homeloans-ongoing">https://comms.anz.co.nz/home/index.html?pid=RETHLO-VAN-homeloans-ongoing</a>
Is the advertisement still accessible – where and until when?	Yes - <a href="https://www.youtube.com/watch?v=54dZPii3mqQ">https://www.youtube.com/watch?v=54dZPii3mqQ</a> This ad will be replaced with a new ad by w/c 11th June at the latest, but is likely to be replayed next summer.

Who is the product / brand target audience?	Those in market for a home loan. Media bought against AP 25-54 HHI \$60k +
Pre-vetting Approval number if applicable	TCAB approval was obtained at the script stage and then again after production of the TVC (with specific questions to TCAB from our production team about water safety) to ensure that ANZ were carefully considering water safety when filming this advert.
Clear substantiation on claims that are challenged by the complainant.	<p>The complaint states that the children intend to go into 'a neighbours fenced pool area without an adult in sight,' and that the advert is 'encouraging the neighbour's children to enter my fenced pool area without my permission,' however the advert shows that an adult neighbour is present – seen cleaning his pool – and that the children have clearly asked the adult neighbour for permission to use the pool before entering. The intent is not to encourage children to enter any pool without first asking permission.</p> <p>The advertisement – which is part of a campaign – has been carefully targeted at audiences over 25 years of age. The purpose of the ad and the key takeout is ANZ's home loan rate and not water safety. The advert is based on the idea that a Kiwi home is where everyone feels welcome. It tells the story of the developing friendship between two Kiwi neighbourhood children. It reflects many of our own childhood experiences of making friends with the children next door. In the advertisement, the children look over a fence to a neighbour's pool and are seen asking permission from the home owner "What's your pool doing later?" We therefore disagree that the advertisement encourages children to enter neighbouring properties without permission from the owner. We recognise the importance of sending the right message about pool safety, and we have been careful to ensure that the children have asked the owner for permission to use the pool and that the pool is properly fenced for safety. The children are not behaving in a dangerous manner swimming in their neighbour's pool.</p> <p>The advertisement does not contain dangerous or illegal practices or situations that encourage a disregard for safety.</p> <p>In addition, ANZ were careful to obtain prior approval from the TCAB (Television Commercial Approval Bureau) for this advertisement prior to production. In particular the water safety aspect was extensively considered.</p>
A copy of the script	<i>It's a hot summers day as we open on Fynn on Arty's shoulders as he peers over a tall fence. They both gaze</i>

	<p><i>star-stuck down into a neighbours backyard.</i></p> <p><b>“Go on... ask”</b> <i>Whispers Arty.</i>  <b>“Na, na”</b> <i>Fynn whispers back.</i></p> <p><i>We cut to what they’re looking at; it’s an amazing looking swimming pool. We see the owner skimming leaves off its surface. Sick of waiting for Fynn, Arty calls out.</i></p> <p><b>“Hey Mr... What’s your pool doing later?”</b></p> <p>The neighbour looks up and stares at Fynn. Fynn melts with embarrassment.</p> <p><b>VO: A Kiwi home is where everyone feels at home.</b></p> <p>VO/Graphic: ANZ, New Zealand’s home of home loans.</p>
CAB key number and rating Key number	ANZ0627_30_PRYT Rating: G

#### **RESPONSE FROM MEDIA: COMMERCIAL APPROVALS BUREAU**

CAB approved this ANZ commercial on 28/03/17 with a ‘G’ classification, making it suitable for all audiences.

There is no narrative, visual, causal or logical cue that would lead an average viewer to think the children are unattended, or that such a situation is either desirable or even legal.

The complainant’s views are exceptional within the realm of the New Zealand viewing public.