

COMPLAINT NUMBER	20/009
COMPLAINANT	L Hedley
ADVERTISER	Coca Cola New Zealand Ltd
ADVERTISEMENT	Keri Juice Television
DATE OF MEETING	18 February 2020
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a television advertisement for Keri Juice. The Board said the advertisement, which showed children preparing breakfast in bed for their parents, did not reach the threshold to portray a situation which encourages or condones a disregard for safety.

Description of Advertisement

The television advertisement for Keri Juice shows children from 3 different families preparing and delivering breakfast in bed for their parents. The kids make toast and pancakes served with orange juice. The voiceover includes the words: “When breakfast’s not ideal, the taste of Keri seals the deal”.

Summary of the Complaint

The Complainant was concerned the advertisement is unsafe because it shows very young children using a knife to get burnt toast out of the toaster, cooking eggs on the stove using a frying pan, where they can’t see over the stove. There is a risk of fire and severe harm.

Issues Raised:

- Social Responsibility
- Safety

Summary of the Advertiser’s Response

The Advertiser defended the advertisement and said it complies with the ASA Codes. The children in the advertisement are not shown handling a knife near the toaster. The target audience is adults, as the main grocery buyers.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1 (e) Safety: Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 19/135 and 13/439, both of which were ruled No Grounds to Proceed.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 19/136 concerned a television advertisement for Meadow Fresh which showed a girl going to the local dairy by herself to buy milk, while her parents wait at home. The Chair of the Complaints Board said the advertisement demonstrated the parent's reaction to the rite of passage of a child seeking independence and being allowed to visit the dairy on her own for the first time. The Chair said this carefully controlled scenario was not likely to encourage or condone a dangerous practice or a disregard for safety.

Decision 13/439 concerned a television advertisement for Tip Top 'Nourish Our Kids Programme' which showed a boy rushing down the hallway, throwing his school bag on the kitchen floor and heading straight for the pantry. The boy pulled out a loaf of Tip Top bread and put a piece in the toaster. The Complainant said: "his parents or care giver should be in background."

The Chair of the Complaints Board said one could also assume from the handbag shown in the advertisement that there was a parent or caregiver present in either scenario. The Chair said the advertisement had been prepared with a due sense of social responsibility to consumers and society and did not encourage a disregard for safety.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout of the advertisement was when your children cook breakfast for you it will be greatly improved if they serve Keri Juice.

The Board said the advertisement relies on the use of humour in conveying the experience of well-meaning but inexperienced children making breakfast in bed for their parents.

Preliminary comments

The Complaints Board noted the Complainant's view that "The ad shows a young child holding a metal blade knife and getting burnt toast out of a toaster" and "cooking eggs on a stove". The Board said while a child is seen buttering toast, they are not shown using a knife

to get burnt toast out of a toaster. The Board also noted the children are not shown cooking eggs, they are making pancakes.

The Complaints Board noted the advertisement is targeted at the family shopper and did not play during children's television programming.

Does the advertisement encourage or condone dangerous, illegal or unsafe practices or portray situations which encourage or condone a disregard for safety?

The Complaints Board discussed two aspects of the advertisement separately, the child making toast and the children cooking pancakes.

The Complaints Board was unanimous in its view that showing a child buttering toast did not encourage, condone or portray an unsafe practice. The Board said while the toast did get a little burnt, the advertisement did not show the child removing the toast from the toaster using a knife and the simple act of a child buttering toast was not unsafe.

A majority of the Complaints Board said the portrayal of children making pancakes did not reach the threshold to encourage or condone dangerous, illegal or unsafe practices or portray situations which encourage or condone a disregard for safety.

The majority said while the advertisement did show a girl unsuccessfully flipping a pancake, it did not show any children at the stove cooking. The majority said the placement of the advertisement was a key factor in coming to this decision. The majority said the advertisement was targeted at household shoppers and was not played during children's programming.

A minority disagreed. The minority said the advertisement portrays a situation which condones a disregard for safety. The advertisement implies the children are cooking pancakes while unsupervised by adults, because the adults are still in bed. The girl shown flipping a pancake is not tall enough to get good access to the stove and this is potentially unsafe. The children burn the toast and have difficulty flipping a pancake, which suggests they have limited competence at these tasks and are behaving unsafely.

The minority referred to a precedent decision 19/136, for Meadow Fresh. The minority said this case was very different to the advertisement before it. This is because the parents were clearly shown to be aware their daughter was going to walk to the shop unsupervised and while concerned, they were also encouraging their daughter to be independent. She was shown successfully returning home, suggesting she was competent and behaving safely.

Was the advertisement prepared and placed with a due sense of social responsibility to consumers and society?

A majority of the Complaints Board said the advertisement was prepared and placed with a due sense of social responsibility to consumers and society, taking into account context, audience, medium and product.

A minority disagreed and said the advertisement was not prepared and placed with a due sense of social responsibility to consumers and society, taking into account context, audience, medium and product.

In accordance with the majority, the Board said the advertisement was not in breach of Principle 1 or Rule 1(e) of the Advertising Standards Code.

Outcome

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

No further action required.

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.

APPENDICES

1. **Complaint**
 2. **Response from Advertiser**
 3. **Response from Media**
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Appendix 1

COMPLAINT FROM L HEDLEY

I am emailing you because I am horrified at the lack of simple ability for a member of the public to be able to complain about an ad on TV on your website. I am unable to find the place in all your pages of requirements and information on your website when I tried to complain about the content of an ad on NZ TV advertisement. I emailed Keri Juice company because they are screening an ad on TV where very young children decide to get up early in the morning and go into the kitchen without parental or an older child present and the young children make a surprise cooked breakfast for their parents who are in bed. The ad shows a young child holding a metal blade knife and getting burnt toast out of a toaster .This is a very unsafe ad and I would never recommend this ad for TV viewing because obviously ads encourage people to buy a company's products and would encourage other young children to do the same behaviour. There is also another young child cooking eggs on a stove and using a frypan. This child is too young and too little to be safe and she is not able to see over the stove to safely monitor the stove and the potential for harm, and the risk of fire and severe harm. The fire brigade and hospitals have to care for children that accidentally create fires in their homes and this ad for Keri Juice I think is dangerous and the advertising standards are facilitating dangerous ads that could lead to children being electrocuted to death by putting a metal knife in an electric toaster or by a fire being created accidentally because young children or a young child could imitate this ad and accidentally cause a kitchen fire, burn their family home down and get killed and sadly at worst all their family get burnt to death in a house fire all due to Keri Juice s unsafe ,TV advertisement. I am not interested in any excuses that allow this ad to continue, as Keri Juice staff cannot see anything wrong with this ad... and say the parents have given permission and know their children are cooking a "surprise "breakfast in the family's kitchens ,but when I view this ad I cannot see this...

Appendix 2

RESPONSE FROM ADVERTISER, COCA COLA NEW ZEALAND LTD

Thank you for your letter dated 22 January 2020, regarding a complaint received on 31 December 2019 in relation to Coca-Cola Oceania Limited's (CCO) television advertisement for KERI juice viewed by the Complainant on free-to-air television.

The Advertisement

The television advertisement depicts scenes of children from three different families, preparing breakfast for their parents in the family home.

The Complaint

The Complainant's comments include:

"... an ad on TV where very young children decide to get up early in the morning and go into the kitchen without parental or an older child present and the young children make a surprise cooked breakfast for their parents who are in bed. The ad shows a young child holding a

metal blade knife and getting burnt toast out of a toaster. This is a very unsafe ad and I would never recommend this ad for TV viewing because obviously ads encourage people to buy a company's products and would encourage other young children to do the same behaviour. There is also another young child cooking eggs on a stove and using a frypan. This child is too young and too little to be safe and she is not able to see over the stove to safely monitor the stove and the potential for harm, and the risk of fire and severe harm. The fire brigade and hospitals have to care for children that accidentally create fires in their homes and this ad for Keri Juice I think is dangerous and the advertising standards are facilitating dangerous ads that could lead to children being electrocuted to death by putting a metal knife in an electric toaster or by a fire being created accidentally because young children or a young child could imitate this ad and accidentally cause a kitchen fire, burn their family home down and get killed and sadly at worst all their family get burnt to death in a house fire all due to Keri Juice's unsafe, TV advertisement."

The relevant section of the Advertising Standards Code appears to be Principle 1, Rule 1(e) which states:

"Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety."

CCO's response

We submit that the advertisement does not encourage or condone dangerous, illegal or unsafe practices, nor portray situations which encourage or condone a disregard for safety.

Rather, in depicting groups of children cooking breakfast for their parents, the advertisement clearly shows:

a) Movement in the parents' bedroom as the children pass the bedroom door (see 0:01). This movement was included in the advertisement to indicate that the parents are awake and aware that their children are in the kitchen making breakfast.

b) At the time the child is making toast using a toaster (see 0:10), he is not handling a knife or any other implement. A butter knife is shown being used to butter toast in a separate scene, and on a different bench away from the toaster. Completely contrary to the allegations made by the Complainant, no suggestion is made, or scene shown, during the advertisement where a child might be in danger of, or contemplating, inserting a knife into the toaster.

c) All children are in the kitchen in groups. At no stage is any child depicted cooking alone, and in each scene the older child is shown to be responsible for any cooking using a toaster or a frypan.

CCO considers that the clear message of the advertisement is that KERI juice can be a part of an enjoyable family breakfast. CCO does not consider that its advertisement gives any message that would encourage children viewing the advertisement to engage in dangerous behavior such as inserting a knife into a toaster. This simply does not occur in the advertisement at all.

The Complainant notes concerns that a child is depicted cooking eggs on a stove and using a frypan. The child depicted doing so is clearly the oldest child in the family (and indeed the advertisement as a whole), and of an age by which many children have already learned some basic cooking skills. The Complainant also notes concerns that children who viewed the advertisement would be led to insert a metal knife into a toaster, or engage in dangerous activity that could start a house fire suggests. CCO is very confident that this is not the message that children are at all likely to take from this advertisement, and that these are not the likely outcomes of the particular cooking activities depicted in the advertisement.

Further, while CCO acknowledges that the advertisements were run in programming slots which may have been viewed by some children, children are not the target audience of the advertisements. The target audience of the advertisement is adults, as the main grocery buyer of juice products. CCO's media buying strategy is to target programming slots in which the advertisements are not targeted at children, but at audiences of which the vast majority would usually be adults (the target audience).'

CCO submits that the issue of parental supervision in the current complaint is comparable to that in ASA Decision 19/136. In that decision, the relevant advertisement was for a Meadow Fresh milk. The advertisement "shows a girl going to the local dairy by herself to buy milk while her parents wait at home". The complainant in Decision 19/136 was concerned that the advertisement showed "it's ok to send a child to the shop alone an unaware [sic] of what could be lurking around the corner or aware [sic] of the surroundings".

The Chair in that decision ruled that there were no grounds to proceed with the complaint, on the basis that:

(a) *"the advertisement depicted a scenario where parents had made a judgement call that their child was old enough and responsible enough to visit the local dairy unsupervised"; and*

(b) *"While the Chair noted the Complainant's genuine concern about the safety of the girl embarking on an unsupervised visit to the local dairy, she said the advertisement demonstrated the parent's reaction to the rite of passage of a child seeking independence and being allowed to visit the dairy on her own for the first time."*

CCO submits that, similarly, its advertisement depicts a scenario where the parents are at home and completely aware that their children are cooking in the kitchen and have decided that they are sufficiently responsible and able to do so without direct supervision in the kitchen, which is common practice in many New Zealand families...

CAB Pre-Alignment

CCO takes its responsibility to comply with NZ advertising codes very seriously, and regularly seeks input and feedback from the Commercial Approvals Bureau (CAB) when developing new advertisements to ensure compliance. CCO presented this advertisement to a representative of the CAB for pre-alignment prior to finalising and broadcasting. CCO takes all CAB feedback into account when producing its advertisements, as it did in this case.

CCO sought pre-alignment from the CAB in relation to the concept and storyboard for this advertisement, prior to production and broadcast.

In particular, the CAB was specifically asked to consider whether it was appropriate to depict children using a toaster, cooking eggs, and using butter knives to butter toast. Further, CCO's agency made clear to the CAB that CCO intended to include young children (the youngest being 3) in the advertisement. CCO ensured all CAB advice was taken on board when finalizing the advertisement, and is confident on that basis that the activities depicted would not be considered to be dangerous when carried out by children.

We note that the youngest children are not depicted using the toast, butter knife, or frypan at any stage in the advertisement, and that only butter knives are shown in the advertisements, to ensure no suggestion that children are being allowed to handle sharp or dangerous knives. On that basis, CCO considers that the advertisement complies with the recommendations of the CAB.

Summary

CCO takes its obligations to do business with integrity and engage in ethical conduct very seriously. Our business is built on this trust and reputation.

CCO understands the importance of its role, as an iconic global brand, to encourage positive messaging to all consumers. We take the Principles and Rules of the Advertising Standards Code very seriously. We are comfortable that the underlying messaging of the advertisements is that **KERI** juice is a fun and loving part of a New Zealand family breakfast, and that the advertisements do not contain anything inconsistent with the Code.

It is CCO's view that the advertisements, for the reasons listed above, fully comply with all elements of the Advertising Standards Code. We consider that when assessed against the relevant Code provisions and the relevant audience, the advertisements do not breach the Code.

We are very happy to answer any further questions you may have and please let us know if you need more information.

Appendix 3

RESPONSE FROM MEDIA, CAB

Key number: CO1335 30; Classification: GXC

Thank you for the opportunity to comment on the complaint from L Hedley.

Our understanding of L Hedley's complaint is that the advertisement portrays unsafe situations which could encourage a disregard for safety. In particular, the scene of the young boy buttering burnt toast with a metal knife (there is no scene of a child putting a metal knife into a toaster) and the scene of children using a frying pan to cook pancakes (there is no scene of children cooking eggs).

The advertisement features a number of children of different ages although all appear to be roughly in the primary school aged bracket.

We note first that this commercial is not aimed at children but rather the family shopper. Furthermore, the advertisement was given a GXC rating (General Except Children) which means that it cannot be aired during children's television programming.

In our opinion it is not particularly dangerous to allow a primary school aged child to use a toaster or a butter knife. Other than slightly burning the toast, the young boy does nothing which could be considered irresponsible (again, at no point does he put a knife into or near the toaster).

Similarly, the girl holding the frying pan is clearly the elder of the children and her familiarity with the baking process leads the viewer to suspect that this is not the first time she has made pancakes (it is not uncommon for kids to learn how to make pancakes at primary school).

The safety of children is the paramount concern when decided if an advertisement may be broadcast on television. That said, the requirement not to "encourage or condone a disregard for safety" should not mean that advertisers can only portray a zero-risk world that has no correlation with reality.