

<b>COMPLAINT NUMBER</b>	20/017
<b>COMPLAINANT</b>	D Anton & C Clark
<b>ADVERTISER</b>	Griffins
<b>ADVERTISEMENT</b>	Griffins Television
<b>DATE OF MEETING</b>	10 March 2020
<b>OUTCOME</b>	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 Griffins which showed a girl in a cardboard box using her imagination to pretend it's a racing car.

### **Description of Advertisement**

The television advertisement for Griffins showed a girl sitting inside in a cardboard box, wearing a helmet. She says to her father "It's a race car." Cookie Bear then appears and says to the father "Hey John, a race car needs a race track." The girl's parents then help her to "race" her car down the stairs, out the front door and into the garden. The advertisement ends with the text "Imagination never Grows Up" and a packet of Chocolate Chippie Biscuits.

### **Summary of the Complaint**

There were two complaints about this advertisement. The Complainants were concerned the advertisement was irresponsible because it encourages children to participate in an unsafe activity, sliding down the stairs in a cardboard box.

### **Issues Raised:**

- Social Responsibility
- Safety

### **Summary of the Advertiser's Response**

The Advertiser defended the advertisement and said it is about a child using their imagination to play "make believe". The child is supervised by her parents and good safety practices were followed.

### **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 10/639 which was Upheld and 20/009 which was Not Upheld.

The full version of Decision 20/009 can be found on the ASA website:

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

**Decision 20/009** concerned a television advertisement for Keri Juice. The Complaints 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.

**Decision 10/639** concerned a television advertisement for Weet-Bix which featured a group of children skate boarding and biking on the open road and around a blind corner. The Complaints Board said the advertisement portrayed children in unsafe situations and behaving in an unsafe way.

### Complaints Board Discussion

#### *Consumer Takeout*

The Complaints Board agreed the consumer takeout was: Parents and children can have fun together with imaginative play.

*Did the advertisement encourage or condone a dangerous or unsafe practice or portray a situation which encourages or condones a disregard for safety, without justification?*

The Complaints Board said the advertisement did not reach the threshold to encourage or condone a dangerous or unsafe practice or portray a situation which encourages or condones a disregard for safety.

The Complaints Board said the advertisement portrays parents encouraging their child to participate in a playful, fun activity. While the scene of the girl about to ride down the stairs in a cardboard box is quite realistic there are enough elements of imaginative play, with the added sound effects, the transformed box and home and the appearance of a talking Cookie Bear to suggest it is an imaginary scenario.

The Complaints Board said the girl was wearing a helmet and the parents had put in place other safety measures and were actively supervising the activity.

The Complaints Board noted that the advertisement has a GXC (General Except Children) classification and is not screened during any children's programming. The adult audience would understand that the scenario shown was imaginary.

*Is the advertisement socially responsible?*

The Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and 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](http://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. **Complaints**
  2. **Response from Advertiser**
  3. **Response from Media**
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### Appendix 1

#### COMPLAINT FROM D ANTON

I believe this ad breaches the codes on the grounds of social responsibility. It shows a couple playing with their child in a box prepared to ride down a flight of stairs. Playing on stairs is bad enough but showing parents encouraging a young child to play on stairs is irresponsible and I believe that it would go against the recommendations of New Zealand's leading accident agency, ACC; I don't think they would be particularly impressed. These biscuits are easily a child popular product and any child that sees it could perceive the idea of riding down stairs in a box as a good idea, especially when the ad has parents instigating; I feel many other parents would be mortified to think their children would do such a thing. I feel that ad is irresponsible and unsafe as a result of this particular scene in the ad.

#### COMPLAINT FROM C CLARK

The advert portrayed a child playing in a house, using a cardboard box to slide down a stairway, through the door and into the garden. No problem with the sentiment but this is highly likely to encourage a child to try sliding down their own stairs in a cardboard box which is extremely dangerous and likely to lead to severe injury or death.

### Appendix 2

#### RESPONSE FROM ADVERTISER, GRIFFINS

1. We refer to your letter dated 5 February 2020 to Griffin's Foods Limited t/a The Griffin's Food Company (**Griffin's**), notifying Griffin's of two complaints received in relation to our advertising (the **Complaint**).
2. Thank you for providing the opportunity to respond to the Complaint, set out below is the Griffin's response. We have also attached:
  - a. a digital copy of the advertisement in question;
  - b. the Advertising Complaint Response Form (completed by Griffin's and our media agency MBM);
  - c. a copy of the advertisement dialogue script; and
  - d. the relevant media schedule and spot list.
3. At the outset, Griffin's would like to acknowledge that it is committed to adhering to, and promoting advocacy of, the Advertising Standards Authority's Codes. We agree that advertisers must act with a high level of social responsibility towards consumers.

### **The Advertisement & Publication**

4. The advertisement referred to in the Complaint is a television commercial that advertises our range of Cookie Bear branded biscuits (**Advertisement**). The overarching theme of the Advertisement is to showcase to parents, the joy of inter-active imaginative play.
5. The Advertisement starts with a girl in a cardboard box using her imagination to pretend it is a race car. An animated Cookie Bear character then encourages the girl's parent to help her bring her imagination to life by stating "hey John, a race car needs a race track". The girl is then seen on a flat landing above a few stairs. She is surrounded by pillows, wearing a helmet, and sitting in her imaginary race car. She begins her imaginary race, supervised by her parents, and "races" along the track.
6. The "race" is then shown outside where she glides through an over-the-top home-made biscuit tunnel and over the finish line. The girl's parents and the animated Cookie Bear cheer, but the girl's imagination is still in action, and she tells her parents and Cookie Bear that she now is in a rocket ship, and not a race car. The Advertisement ends with the statement 'Imagination Never Grows Up', reinforcing the encouragement of imaginative play between parents and children.
7. The Advertisement has been published on three forms of media: TV, TVNZ OnDemand and organically posted to the Griffin's Facebook page.
8. For all media, the targeted audience is household shoppers aged 25-54, with additional exclusions preventing TV and TVNZ OnDemand publication during children's programming (i.e. we have actively avoided all children's programming & family movies, and moved spots if programming looks like it may have appeal to children). TVNZ OnDemand has been scheduled to female 25-54 user profiles.
9. Griffin's media agency, MBM, has also monitored the TV and TVNZ OnDemand actual audience make up by spot, daily since the campaign went live on 26 January 2020. The percentage of children under 14 viewing the Advertisement as at the end of day on Wednesday 5 February 2020, is beneath the 25% guideline in Rule 1(i) of the Children and Young People's Advertising Code – at 8%.
10. Regarding Griffin's Facebook page, the Advertisement is not promoted or pushed to the general Facebook audience and users are only able to view the Advertisement if they are a fan of the Griffin's Facebook page or by actively visiting the Griffin's Facebook page (with Facebook's own terms and conditions prohibiting use for children under 13 years).

### **Alleged breach of the Code**

11. We understand that the complainants are of the view that the Advertisement is socially irresponsible and/or unsafe. For the reasons set out below, respectfully, Griffin's does not agree. Nor does Griffin's consider that the Advertisement breaches the Advertising Codes of Practice.
12. It is our view that the Advertisement does not reach the threshold requirements of being considered "unsafe". Principle 1 provides that advertisements must be prepared and placed

with a due sense of social responsibility to consumers and to society. Following this, Rule 1(e) notes that:

*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.*

13. In our view, the threshold to be held in breach of Rule 1(e) has not been met. This is because the Advertisement has been prepared with a due sense of social responsibility to consumers and society. In particular:
  - a. The depiction of the girl playing in the box is not an unsafe or dangerous environment as good safety practices were followed and the scenario was appropriately controlled. For example:
    - (i) The talent is wearing a helmet;
    - (ii) The talent is being supervised by her parents at all times;
    - (iii) The stair railings are encased with a barrier of pillows and cushions to ensure her safety;
    - (iv) The depiction of the small number of stairs is fleeting; and
    - (v) Care was taken to ensure only a small number of stairs are shown, with a minor slope.
  - b. Most consumers will understand that this is an Advertisement about a child's imagination and wonder, depicting an exciting, "make believe" play inter-action with her parents, with the girl imagining being a race car driver. This is also shown by:
    - (i) the characters' inter-action with an animated Cookie Bear;
    - (ii) the music and bright colours;
    - (iii) the dream like progress of the "race car" through the biscuit tunnel; and
    - (iv) the clear statement to parents at the end of the Advertisement, "Imagination Never Grows Up".
14. In addition, as noted above, the Advertisement was not run during children's programming and was given a GXC rating (General Except Children's Programming). This means it cannot be broadcast during programmes specifically for children under the age of 13 years. The Advertisement is therefore unlikely to be seen by children and MBM data indicates that it was in fact, only seen on TV by a small percentage of children, up until 5 February. Because we take our social responsibility obligations seriously, we are continuing to monitor viewing statistics and actively adjust programming, if required.

15. Given the above, in the context of the light-hearted advertising campaign (being one to show imaginary child play activities), the controlled environment (including safety measures taken) and that the likely audience are adults who would appreciate the intent of the campaign, it is our view that the Advertisement would not likely be seen as encouraging or condoning a dangerous practice or disregard for safety.

16. For reasons outlined above, we request that the ASCB dismiss the Complaint. Please let us know if you require any further information in relation to this response.

### Advertising Complaint Response Form

A basic, neutral description of the advertisement	Please see paragraphs 4-6 of Griffin's letter.
Date advertisement began	Sunday 26 January 2020
Where the advertisement appeared (all locations e.g. TV, Billboard, Newspaper Website)	<ul style="list-style-type: none"> <li>• TV</li> <li>• TVNZ OnDemand</li> <li>• Organic post to Griffin's Facebook Page</li> </ul>
Is the advertisement still accessible – where and until when?	<p>Yes.</p> <ul style="list-style-type: none"> <li>• "Light weight" TV bursts are scheduled on TV until November 2020 (for a total of 13 weeks) – as per attached schedule.</li> <li>• OnDemand scheduled until 7 March 2020.</li> <li>• The post remains visible on Griffin's Facebook page.</li> </ul>
A copy of digital media file(s) of the advertisement – if the complaint relates to on-screen graphic, please send a broadcast quality version.	Attached with covering email.
Who is the product / brand target audience?	<ul style="list-style-type: none"> <li>• Household shoppers 25-54.</li> <li>• On-demand has been scheduled to female 25-54 user profiles.</li> <li>• Additional exclusions made to keep out</li> </ul>

	of children's programming.
Clear substantiation on claims that are challenged by the complainant.	<ul style="list-style-type: none"> <li>• TV placement has been rigorously planned and bought to meet the ASA Children &amp; Young People Advertising Code (Code).</li> <li>• MBM's protocol is to sit conservatively within the 25% audience ratios guidelines outlined in the Code. To that end we have actively avoided all kids programming &amp; family movies and moved spots if programming looks like it may have appeal to kids. We have monitored the actual audience make up by spot daily since the campaign went live.</li> <li>• The Code states that children (those aged under 14) should not represent more than 25% of the intended audience. The ratio achieved so far for the Advertisement has been 8% (to end of day Wednesday 5 February).</li> </ul>
The response from the advertiser is included in the published decision. The ASA is not able to accept confidential or proprietary information. Please contact the Complaints Manager if this is an issue.	N/A
<b>For Broadcast advertisements:</b>	
A copy of the script	Attached
A copy of the media schedule and spot list (Please remove all financial information)	Attached
CAB key number and rating	GRI/030/CBRS #91213073 GXC
<b>For Digital advertisements:</b>	
What platform tools have you used to target your audience?	Nielsen TV Map and Arianna

## **DIALOGUE SCRIPT – COOKIE BEAR RACETRACK**

Girl: It's a race car!

CB: - and John, a race car needs a race track!

Mum: Drivers, are you ready?! 3, 2, 1

CB: Dum Deeee... Do it!

Mum: Great racing buddy!

Girl: Race Car? IT'S A ROCKET SHIP!

Super: Imagination Never Grows Up

### **Appendix 3**

#### **RESPONSE FROM MEDIA,**

The Griffin's Food Company - Complaint 20/017- Key number: GRI 030 CBRS - Classification – GXC

We are pleased to respond to this complaint where two viewers are of the view that this advertisement shows a disregard for the safety of children.

The advertisement has a GXC classification so may not air in any programming aimed purely at children under the age of 13.

The tagline for this commercial is "Imagination Never Grows Up". Griffin's has produced a fun example of parents engaging with their child. A young girl playing in a plain cardboard box pretends it's a racecar. After Cookie Bear's prompting to the dad, her parents fully line their stairway with cushions and padding forming a racetrack down the stairs, through the house and outside into the garden. Sitting in the decorated box, with helmet on, the little girl proceeds to travel down this course to the outdoors where they have erected a tunnel of bunting to the finish line. As the family celebrate 'the win' the little girl declares "it's not a race car it's a rocket ship" and Cookie Bear produces the prize of biscuits.

The whole scenario is delightful hyperbole and surely a family sharing in controlled creative time should be celebrated.

We see no reason to uphold these complaints.