

COMPLAINT NUMBER	21/278
ADVERTISER	My Little Bambi
ADVERTISEMENTS	My Little Bambi, Facebook
DATE OF MEETING	20 July 2021
OUTCOME	Upheld Advertisements to be removed

Summary of the Complaints Board Decision

The Complaints Board upheld two complaints regarding two Facebook advertisements for the plush toy from My Little Bambi. The Complaints Board said both advertisements portrayed an unsafe sleeping position which went against the official Safe Sleep guidance issued by the Ministry of Health and could encourage a disregard for safety to a potentially vulnerable audience of parents with young children.

Advertisement 1:

The sponsored Facebook advertisement for My Little Bambi shows a baby sleeping with its arms wrapped around a giant soft-toy elephant which is bigger than it. The baby is wearing a hat. The text says “Super-cozy plush elephant for keeping your baby safe during nap times as well as play times. Made from softest baby-friendliest fabric. Comes in two sizes: 40cm or 60cm.”

Advertisement 2:

The sponsored Facebook advertisement for My Little Bambi shows a baby sleeping in the centre of a giant soft-toy elephant sitting on top of it. The advertisement is captioned “My new best friend...” The text says “Super-cozy plush elephant for keeping your baby safe during nap times as well as play times. Made from softest baby-friendliest fabric. Comes in two sizes: 40cm or 60cm.”

Summary of the Complaints

There were two Complainants who were concerned the advertisement shows an unsafe sleeping position for babies, sleeping on its side, with an oversized toy which contradicts the “Safe Sleep” Guidelines issued by the Ministry of Health.

Issues Raised:

- Social Responsibility
- Safety

Summary of the Advertiser’s Response

The Advertiser said its aim is not to present anything dangerous to infants. However, when speaking of *keeping your baby safe*, it is in terms of giving babies a warm and cozy feeling to make it feel safe, just as with any plush animal. It said their product is not more harmful than any other pillow on the market.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaints 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 these complaints the Complaints Board referred to two precedent decisions, Decision 21/277 which was Upheld and Decision 20/594 which was settled.

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

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

Decision 21/277 concerned an advertisement for the same soft toy product, advertised by LullabyLoom. The Complaints Board said the advertisement portrayed an unsafe sleeping position which went against the official Safe Sleep guidance issued by the Ministry of Health and could encourage a disregard for safety to a vulnerable audience.

Decision 20/594 concerned a display advertisement for a Fullair mattress which showed a baby sleeping on its front. The Complainant was concerned this promoted an unsafe sleeping position.

Upon receipt of the Complaint, the Advertiser amended the advertisement by removing the image of the child from the display. The Chair of the Complaints Board ruled the complaint had been settled.

Complaints Board Discussion

The Chair noted that the Complaints Board's role was to consider whether there had been a breach of the Advertising Standards Code. In deciding whether the Code has been breached the Complaints Board has regard to all relevant matters including:

- Generally prevailing community standards
- Previous decisions
- The consumer takeout of the advertisements, and
- The context, medium, audience and the product or service being advertised, which in this case is:
 - Context: Importance of safe sleeping for babies and New Zealand's high rate of Sudden Infant Death Syndrome (SIDS)
 - Medium: Facebook posts of an overseas company advertising to a New Zealand audience
 - Audience: Facebook users looking for baby gifts
 - Product: Large soft toy for babies

As part of its deliberations, the Complaints Board noted the Ministry of Health Safe Sleep guidance states:

“To keep your baby safe while sleeping, make sure they always sleep on their back to keep their airways clear.”

“Baby’s bed is safe when there is nothing in the bed that might cover your baby’s face, lift their head or choke them – no pillows, toys.”

Advertisement 1:

Consumer Takeout

The Complaints Board agreed the likely consumer takeout of Advertisement 1 was it promoted a soft toy that babies could sleep with or play with when awake. The Board said the image in the advertisement showed a sheet in the background which indicated the baby was in a cot or bed setting and the baby had its eyes closed.

Advertisement 2:

Consumer Takeout

The Complaints Board agreed advertisement 2 had a similar consumer takeout. The baby was enclosed within the soft toy and was sleeping while lying on its stomach with the elephant’s leg acting as a pillow.

Do the advertisements encourage or condone an unsafe practice, or portray a situation which encourages or condones a disregard for safety?

The Complaints Board said the image of a young baby, asleep on its side, on a bed, with its face touching a soft toy and the second image with the child asleep while enclosed in the elephant soft toy both portrayed situations which encouraged or condoned a disregard for safety. The Board said the aesthetic value of the images was not a reason to portray a sleeping position which the Ministry of Health stated was dangerous to a baby’s health.

The Complaints Board also noted the advertisements included the text wording in both advertisements “for keeping your baby safe during nap times.” The Complaints Board said this further reinforced the message that the toy was suitable for a baby to sleep with.

Have the advertisements been prepared and placed with a due sense of social responsibility?

The Complaints Board said the advertisements had not been prepared or placed with a due sense of social responsibility. The Complaints Board said the visual and written elements of both advertisements promoted the product as a sleeping aid.

The Complaints Board said the product could be purchased as a gift by consumers who have no experience of correct sleeping protocols for small babies. The Complaints Board also noted that some new parents may not be aware of the Safe Sleep guidelines and the consequences of a baby being put to sleep in an unsafe way could be significant.

The Complaints Board unanimously ruled the complaints were Upheld, taking into account context, medium, audience and product, and the advertisements were in breach of Principle 1 and Rule 1(e) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaints were **Upheld**.

Advertisements to be removed.

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
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Appendix 1

COMPLAINT 1

This advert is extremely unsafe. A newborn baby should not - sleep on its side; sleep with a soft toy and sleep with anything behind it's head or have a hat on!

COMPLAINT 2

Safe sleep for babies is without toys. This is advised as a safe sleep option, which it is not. Branch of safe sleep act. Their website is full of unsafe products that are being marketed as safe sleep options. I work with new parents and thus is so dangerous. Expect formal complaints.

Appendix 2

RESPONSE FROM ADVERTISER, MY LITTLE BAMBI

Of course our aim is not to present anything dangerous to infants. However, when speaking of *keeping your baby safe*, it is in terms of giving babies a warm and cozy feeling to make it *feel safe*, just as with any plush animal. Our product is not more harmful than any other pillow on the market. Of course pillows can also be dangerous, as can most other things when a baby is not supervised.