

Decision No. 11/81
Com. 12/80

Before the Broadcasting Tribunal

IN the matter of the Broadcasting Act 1976, and in the matter of a complaint by Monitor Incorporated.

WARRANT HOLDERS: Broadcasting Corporation of New Zealand (Television New Zealand):

B. H. Slane, Chairman; Lionel R. Sceats, Member; S. H. Gardiner, Co-opted Member; Robert Boyd-Bell, Co-opted Member.

DECISION

MONITOR Incorporated complained about an advertisement by Broadlands Finance Ltd., the story board for which is annexed.

Monitor Inc. alleged that the advertisement was in breach of Rule 2.2 (b):

Children should not be urged in advertisements to ask their parents to buy particular products for them.

The Corporation did not uphold the complaint.

The Corporation did not take any account of any concurrent advertising. (A colouring-in competition was apparently promoted by the advertiser.)

The Corporation did not consider the naturalness of the advertisement made it objectionable particularly as it was not framed in a way to take advantage of the natural credulity of children nor was the thirteen-year-old urging her father to buy the particular items mentioned for her.

The Corporation decided that the child did not ask for things for herself but revealed a curiosity as to whether her father had any interest in obtaining certain items for the family's collective benefit.

The Corporation considered that the advertisement was intended to interest adults in a means of obtaining additional finance for home improvements and family amenities. The intention of the rule was to prevent parents being pressured by advertisements directed at children and the Corporation did not consider the rule and the advertisement to be in conflict.

Monitor referred the complaint to the Tribunal and in doing so made three points.

1. The Corporation should have taken into account the colouring-in competition which is to bring the children's attention to the services of the company and the television commercials.
2. The child was used to pose the question rather than an adult. The naturalness of the child wanting these things made the advertisement objectionable.
3. The message of the commercial was that the pool, the bedroom and the boat were obtainable now through a Broadlands loan. It was naive to think that children did not understand the message and that some of them did not then put pressure on their parents to get a loan in order to buy the things shown in the commercial.

Monitor submitted that it was the combination of these factors that made the commercial a breach of Rule 2.2 (b).

Members of the Tribunal not only observed the commercial a number of times on television but also viewed and discussed at length a videotape of the commercial.

The Tribunal came to the conclusion that it could not uphold the complaint for the following reasons.

First, the rule is fairly narrowly drafted and appears to have been intended for advertisements which directly urge children to ask their parents to buy particular products for them.

The complaint concerns an advertisement in which the advertiser does not aim his message principally at children.

The use of the child in the advertisement does not in itself indicate that the advertisement is intended to urge children to ask their parents to buy particular products.

It could be argued that the colouring-in contest achieves its goal if parents visit Broadlands premises to get a copy of the form. But we consider that, in this case, no great weight should be given to associated advertising in view of the wording of the rule.

Secondly, the advertisement clearly invites the viewer to consult Broadlands about the possibility of borrowing to acquire particular products. What the advertisement does is to raise the possibility of acquiring these items by means of finance provided by the advertiser. We think the distinction, in view of the narrow wording of the rule, is important.

Thirdly, as we saw the advertisement it was clearly directed to parents ("Don't wait for one day.") not to children. While it uses the appeal that the acquisition of the products might have to parents through pleasing their children, we do not see the advertisement as including a message for child viewers to press their parents to make these acquisitions.

The word in the rule is "urged". The complainant appears to consider that if the advertisement simply had the result of some children asking their parents to make these acquisitions that would constitute a breach of the rule. But the rule requires that the advertisement *urge* children to ask their parents. We cannot find that the advertisement crosses the line drawn by the advertisement rule.

We refrain from indicating where the line should be drawn in such matters. It is clear that the complainant would want to have the rule changed to provide a stricter standard.

The complaint is not upheld.

Co-opted Members

Messrs Gardiner and Boyd-Bell were co-opted as persons whose qualifications and experience were likely to be of assistance to the Tribunal in dealing with this complaint. They participated in the consideration of the complaint but, in accordance with the Act, the decision is that of the permanent members of the Tribunal.

Dated the 9th day of June 1981.

For the Tribunal:

B. H. SLANE, Chairman.

BROADLANDS COMMERCIAL

Shot	Duration	Vision	Sound
1	00	Girl colouring-in on lounge floor	(Music—remains as fx under throughout)
2	02	m/s girl talks to camera from floor	Girl: "Daddy—one day can we have a swimming pool?"
3	03	w/s half-coloured-in outline of house with pool in courtyard	
4	04	m/s child's hand colouring-in	Father: "Mm.—one day maybe."
5	06	c/u outline drawing of house alterations, child's hand colouring-in	Girl: "Dad—will I be able to have a bedroom to myself?"
6	10	mcu profile of father in armchair	Father: "Perhaps—one day."
7	11	mcu girl talks to camera from floor	Girl: "Would you like to have a boat?"
8	12	c/u outline drawing of boat and car in carport—child colouring	
9	14	c/u outline drawing of house, child's hand colouring	"What colour will I paint the house?"
10	14.5	Mix to same drawing, coloured	"Shall we buy a caravan?"
11	16	c/u outline drawing of caravan	Father: "Yeah—one day."
12	16.5	Mix to caravan coloured	Announcer: "Don't wait for one day—
13	19	Mix to m/s girl and father with coloured-in picture	A Broadlands personal loan can make it happen now—
14	20	Zoom out and circle wipe	today."
15	22	Mix to Broadlands logo	Talk to Broadlands, the people for finance.
16	27	Key slogan over logo	(music swells)
	30	Ends	Broadlands—people for finance—finance for people.