

## Decision of the ADVERTISING REGULATORY BOARD

Complainant	Shane Chosane
Advertiser	Allan Gray (Pty) Ltd
Consumer/Competitor	Consumer
File references	Allan Gray – Shane Chosane
Outcome	Dismissed
Date	5 July 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Shane Chosane against a television commercial for Allan Gray.

### Description of the advertising

The opening scene in the commercial shows a young boy assisting a man who is delivering bricks by offloading the bricks from a horse drawn carriage. He is given some money by the driver of the carriage. The boy thanks the driver. The commercial also

depicts an older man who is busy building part of a wall, who will later be revealed to be the young boy's his father. The father takes a portion of the money and informs him in Sesotho that; "*O hodile jwale*", meaning that "you are grown up now". This theme of the father taking a portion of his son's money runs throughout the commercial, even when the son is a grown up young man and working. The final scene depicts the son and his wife in what appears to be a legal representative's office and being informed that his father has left them all the money that he had been saving for them, in his will.

The actors in commercial communicate in Sesotho. Subtitles display their conversation in English.

## Complaint

The Complainant submitted that he is offended by the image of a young boy working at a construction site as the depicted action amounts to child labour. The complainant further added that the scourge of child labour is a growing global problem in which millions of children around the world are forced to work by whatever circumstances, legal or otherwise and the advertisement seems to indicate that it is acceptable for children to sell their labour.

## Response

The Respondent submitted that the scene complained against is not of a young boy working on a construction site; rather it depicts a normal family structure – a young boy in his father's care. The boy is given some money (pocket money) by the supplier who is delivering bricks to their property. The aim of the commercial is to encourage saving and the Advertiser strongly believes that there is nothing in the commercial that is contrary to the intended message.

## Application of the Code of Advertising Practice

The following clauses were considered in this matter:

Offensive Advertising - Clause 1 of Section II

Children - Clause 14 of Section II

### Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The Directorate notes that the commercial contains three instances where a child or children are engaged in an activity that generates money or that ends or might end with them receiving some money as a reward. The Complainant, however, only took issue with the part where a child is seen at what he deems to be a construction site. However, in deciding whether there has been a breach of the Code, the commercial has to be judged in its context as a whole. Consideration should also be given to the surrounding circumstances as well as the underlying message.

The Directorate concurs with the Advertiser that there is nothing in the scene to indicate that the child is at a construction site. The scene depicts a familiar event where a man (whom viewers will later be able to identify as the boy's father) is busy building a wall of a bricked structure. It appears that the young boy assisted the person who was delivering the bricks by offloading them from a horse drawn carriage. He is in turn given a monetary reward or a "tip" for being helpful. This type of behaviour, where children are always around and helping in some way or other when there is work to be done is very familiar, acceptable and even encouraged within the depicted environment. There is even an old Sesotho phrase "*Lefura la ngwana ke ho rongwa*", which, when loosely translated, means that a child who is willing to do chores will be rewarded with a piece of fatty meat, which was a much sought after delicacy in the olden days. The father only takes a portion of the

reward, not for any other purpose but to save it for him (the boy), as it becomes evident towards the end of the commercial.

The Directorate understands the complainant's concern regarding the worldwide scourge of child labour and its negative impact on young and innocent lives. The Directorate, however, in this instance, believes that there is no way that a reasonable person, who has watched the whole commercial and followed the events as they unfolded, can conclude that the child was being used a labourer. There is also nothing in the commercial to indicate that the father is a construction worker, who uses his child as a labourer on construction sites. The commercial rather depicts the father as a wise person who throughout his life is determined to lead by example, teaching his son to always save a portion of whatever money he earns, and eventually leaves all the money that he took from his son and saved, for him (the son) and his family, in his will. The theme that runs throughout the commercial is of a parent encouraging his child to save for the future. The Directorate strongly believes that there is nothing depicted in the advertisement is contrary to that message.

**In the circumstances, the Directorate finds that it cannot be said that the scene that is the subject matter of this complaint encourages child labour in any way, and the commercial is therefore not in contravention of Clause 14 of Section II of the Code of Advertising Practice. It is therefore also not offensive in terms of Clause 1 of Section II of the Code of Advertising Practice.**