



CASE REPORT

1. Complaint reference number	277/05
2. Advertiser	Sanitarium Health Food Company (Up 'n' Go)
3. Product	Food
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 11 October 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The opening scene of this television advertisement depicts a young man arriving early to his workplace, an electrical store. As he is the first to arrive, he is responsible for opening up and entering the security code. As he does so, he is shown to drink a chocolate-flavoured Up 'n' Go. Before he opens the store fully we see the young man picking and choosing a variety of different sized fans and carrying them to an empty section of the floor. He is shown to set up an elaborate floor display of fans whilst sipping on the chocolate-flavoured Up 'n' Go. All the fans are pointing upwards to the ceiling. The next thing in the television advertisement shows the young man standing atop a fridge. He then jumps from the fridge into the air above the fans that are positioned on the ground, hoping that they will blow him into a "hover". The scene then freezes with the man in mid-air. A voiceover states: "*With all the goodness of a proper breakfast, Up 'n' Go gives you an extra 10 minutes in the morning. Of course what you do with it is up to you.*" The final scene in the television advertisement shows a picture of the empty Up 'n' Go carton with the text: "*Real breakfast on the go*".

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

"... this is yet another commercial which could send a very dangerous message to young children."

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

"Please note that we have conducted four research groups amongst our target audience ... and all clearly understood the hyperbole and humour. No one thought we were portraying a real life situation..."

"... We are also of the belief that any potential viewer would have to be sufficiently old to understand the physics of the 'gag', ie, the fans allowing enough air to create an updraft."

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board was of the opinion that the advertiser had used humour and hyperbole that would be clearly understood by all viewers. It was clear that this advertisement did not represent a real life situation.

The Board also considered that the advertisement did not pose a serious threat to young children's safety, as a child was unlikely to obtain the number of fans sufficient to re-enact this scene. The Board considered that young children would appreciate that they would need several fans to re-enact the scene.

The Board found that the depiction did not contravene the provisions of the Code relating to health and safety.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.