



## Case Report

1	Case Number	0005/15
2	Advertiser	Liquor Alliance (VIC)
3	Product	Alcohol
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/01/2015
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man connecting a plug to an already overloaded power board. A voiceover describes ‘how Australians are thirsty people.... And no matter how you work up a thirst, Thirsty Camel has thirst quenching specials’. The camera pans back to reveal that the man is seated before a wall covered in heating devices including radiators, heaters and irons. The final scene shows the man using a hairdryer on his tongue.

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Surely this is irresponsible and could cause someone to copycat and cause a fatal house fire.*

*In the sauna spot, they are putting too many appliances in to one power board, this can cause fires, as things are as it is with the fires in SA and VIC, I am offended by this inconsideration.*

### THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*Thank you for giving us the opportunity to articulate a response to the ASB complaint case 0005/15 relating to a Product and Price advert running in Tasmania entitled Sauna.*

*The complaint details 'In the sauna spot, they are putting too many appliances in to one power board, this can cause fires, as things are as it is with the fires in SA and VIC, I am offended by this inconsideration'.*

*The complaint specifically relates to section 2.6 - Health and Safety Within prevailing Community Standards of the Code of the AANA Advertiser Code of Ethics. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".*

*The series of 'Thirsty People' adverts this particular commercial is from depicts surreal caricatures of a person working up a thirst. The scene in question, 'Sauna' is designed to be an extreme, fantasy interpretation of the well-known strategy of getting hot in order to work up a thirst. In no way is it intended to be desirable or encourage imitation by the general community.*

*However, being mindful of our responsibilities as advertisers and possible unintentional messages, we undertook several measures to ensure it could not be imitated or misconstrued by the public.*

*Firstly, we pre-flighted the scripts with CAD, taking onboard their feedback.*

*Then, in conjunction with the director and production manager we undertook research into the possibility of dangerous outcomes, particularly fires, as a result of the scenario depicted.*

*Our research indicated that in the situation depicted, the reality is it would be impossible to run that many heaters off a domestic power point. If the safety switch didn't trip, the fuse would blow. We were showing an impossibility, and as such we were confident that we weren't depicting a hazardous situation because one couldn't*

*replicate it. Indeed, barring a faulty appliance (which could occur regardless of power board usage), there is no risk of fire in the scenario depicted.*

*Secondly, we made the conscious decision to use a power board in the commercials which is equipped with a visible circuit breaker and 'power on' light. Indeed, as clearly visible in the commercial (please see supporting image below), the power board is turned off (the light isn't on). When the heat effects were applied in post, the conscious decision was made to leave the light off on the power board. A further nod to the constructed, fantasy situation depicted.*

*In summary, we never intended to depict reality in this commercial, or any of the other spots in the series. Nor are we in anyway expressing the desirability of the scenario, rather it's a fantastical depiction of working up a thirst.*

*Please be assured that Thirsty Camel bottleshops takes the responsible promotion and consumption of alcohol, and health and safety within the community very seriously. In this instance we have taken the time to research any potential risks and made efforts*

*to ensure that they are not contravened in this scenario.*

## THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement features a man overloading a power board which is irresponsible and contrary to prevailing community standards on health and safety.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement features a man plugging lots of heating appliances in to a power board so he can get warm and work up a thirst.

The Board noted it had previously upheld a similar complaint against Foxtel in case 0481/10 where:

“The Board noted that the advertisement depicts a family preparing their home for the festive season, whilst singing a jingle with lyrics that detail the FOXTEL offer and at the end of the advertisement, the male plugs the ends of 2 power leads together to illuminate the lights that are covering the home and the words “Merry Foxmas”...

...In relation to the power cords, the following comments were received from the ACT Planning and Land Authority (the regulatory body for electrical works in the ACT):

"This advertisement portrays unsafe electrical practice (other than licensable wiring work). For instance, when the father connects electricity to decorative lighting with a cord extension socket and three pin plug he could be exposed to electrical burns if there was a lighting fault...

...The Board considered however that the Code clearly requires that advertising not undermine health and safety messages and that this particular advertisement does clearly depict unsafe behaviour and is broadcast at a time when people will be decorating their homes in similar manner. The Board agreed that although the advertisement is exaggerated, it is not sufficiently unrealistic to overcome the depiction of unsafe practices with electrical equipment.”

In the current advertisement the Board noted the advertiser’s response that if a person were to plug in that many appliances to one power board the circuit breaker would be activated and therefore the advertisement is depicting a scenario which cannot be copied by the community. The Board noted that the advertiser had provided a screen shot of a circuit breaker used in the advertisement.

The Board noted the advertiser's response and that there is a reliance on a safety switch or circuit breaker to prevent dangerous outcomes, particularly fires, as a result of the scenario depicted. The Board noted the information provided by ACT Planning in case 0481/10:

“The risk is much higher where safety switches are not common on power circuits. Electrical installations in pre-1991 housing are not covered by safety switch mandatory protection introduced in the 1991 Wiring Rules and not all older homes have been upgraded with safety switches”

A minority of the Board considered that unlike the Foxtel advertisement which featured a scenario common in many households around Christmas, the current advertisement is depicting a fantastical scenario which is over the top and unrealistic. Following considerable debate however the majority of the Board considered that whilst elements of the advertisement are fantastical it does not make it clear that this behaviour is unsafe and therefore it does undermine the health and safety messages surrounding overloading power points and the safe use of power boards.

The Board considered that the advertisement did depict material contrary to prevailing community standards on health and safety and determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code the Board upheld the complaints.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The advertiser informed the ASB that it intends to modify the advertisement in compliance with the Board's determination.