



Case Report

1	Case Number	0010/13
2	Advertiser	Domayne
3	Product	Retail
4	Type of Advertisement / media	Print
5	Date of Determination	16/01/2013
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This advertisement was part of a Christmas advertising feature for Better Homes and Gardens magazine. The page in question depicts a Christmas scene in a lounge room where two young girls are sleeping next to a Christmas tree. In between the Christmas Tree and the sleeping girls are a row of lit candles and wrapped gifts.

The wording of the advertisement includes a heading of: 'Domayne Lights Up Christmas' and a small blurb of: 'Domayne presents a Christmas so magical you'll never want it to end'.

THE COMPLAINT

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

Recalling the tragic house fire a couple of years ago that took the lives of 4 members of a family that was the result of candles burning makes me very concerned about the irresponsibility of this advertiser showing a scenario that could easily end in a fire tragedy. As this is a very prominent full page ad, the scene could easily be emulated causing tragic consequences.

THE ADVERTISER'S RESPONSE

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

The allegation made by the complainant regarding this advertisement is covered by section 2.6 of the AANA Code of Ethics which states:

“2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”

The candles used in the creation of this advertisement are those which are manufactured by a supplier called ‘Real Safe Candles’ which use infrared technology as opposed to a naked flame. Further information on this product can be found at the following website:

<http://www.flamelesscandles.com.au/>

Notwithstanding the use of a safe alternative of a naked flame candle in this advertisement, Domayne recognises that this advertisement may contravene section 2.6 of the Code by depicting a child near a potential fire source.

Domayne will not be using this advertisement in it’s current form in any future advertising. Domayne will also conduct a review and training with regards to advertising and children.

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 complainant’s concerns that the advertisement depicts children sleeping next to candles and that this is irresponsible and potentially dangerous.

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 the advertiser’s response that the candles used in the advertisement are battery operated and considered that this is not clear in the advertisement as the candles are very realistic. The Board considered that the use of candles near sleeping children, wrapped presents and a Christmas tree should not be encouraged due to the potential fire risks and noted that the Advertiser had recognised this and had stated in their response that they would not be using this advertisement again.

The Board considered that the advertisement does present a scenario which contravenes prevailing community standards on health and safety around fire sources and does breach Section 2.6 of the Code.

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

ADVERTISER RESPONSE TO DETERMINATION

1. The business acknowledges the decision of the ASB;
2. The business notes that there was never any intention to offend any member of the community by publishing the advertisement nor was there any intention to breach any generally accepted public health and safety standards;
3. The advertisement was a one-off publication; and
4. As a result of the ASB's decision, the business has revised its advertising compliance checklists to ensure that consideration is given to whether the content of any proposed publications meets public health and safety standards.