



Case Report

1	Case Number	0043/15
2	Advertiser	Toppik
3	Product	Toiletries
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/02/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features the advertised product, Toppik hair thickener, being demonstrated on various babies' hair because, as the voiceover points out, they have very fine hair. At the end of the advertisement the voiceover says that the product is demonstrated on babies but intended for adults.

THE COMPLAINT

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

This product was demonstrated on young babies probably no more than 12 to 15 months of age. I consider this to be totally inappropriate and tantamount to child abuse when who knows what dangerous or otherwise ingredients are included in the product.

THE ADVERTISER'S RESPONSE

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

I'm responding to complaint re Toppik ad with the assistance of my media buyer:

"As you know we commenced Advertising with this commercial in November 2013.

The ad has been running for a long time without any complaints whatsoever, the ad has also been played worldwide for this period of time as well.

As your Advertising Agency/Media Buyer, we also have not received any complaints from the two TV Networks that the ad has aired on Ch 7 and Ch 10

It is a general W classification, of which all media placement adhered to.

Addressing the complaint, the complainant has misrepresented the commercial, the reference to the babies is because they have fine hair similar to people who need your product, as you know there are no toxic or dangerous materials in the Toppik product so the reference to child abuse is ridiculous and unfounded , you only have to view the ad to see that.”

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 concern that the advertisement depicts a product being demonstrated on babies which is inappropriate and tantamount to child abuse.

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 hair thickener being demonstrated on babies to show the possible results.

The Board noted the advertiser’s response that babies were used in the advertisement because they have fine hair and that the product itself does not contain any toxic or dangerous materials therefore is not unsafe for use on babies.

The Board noted that the babies in the advertisement all appear to be happy and considered that as the product is designed for thin hair it is not inappropriate to demonstrate the product on babies. The Board noted that it is not qualified to comment on the ingredients of the product but considered that as this product is legally allowed to be sold it is reasonable to

expect that its contents would not be harmful to any member of the community if used in the depicted manner. The Board noted the voiceover says that the product is being used on babies but is meant for adults.

The Board considered that the advertisement did not depict material contrary to prevailing community standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.