



Case Report

1	Case Number	0133/13
2	Advertiser	Woolworths Supermarkets
3	Product	Retail
4	Type of Advertisement / media	TV
5	Date of Determination	01/05/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Advertisement to highlight the wide range of low price goods available at Big W. The actor Eric Stonestreet is shown walking around a Big W store commenting on the products. In one scene we see some young women at one of the beauty stands applying lip gloss.

THE COMPLAINT

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

The commercial includes a segment where a customer is seen applying lipstick directly to her lips from a POP display. This practice is extremely unhygienic. A person who does so has no idea of who has previously used the tester, and this dirty practice spreads diseases such as herpes simplex, staph, conjunctivitis and e-coli are spread from customer to customer through unclean lipstick and eye-make up testers.

The advertisement promotes the idea that it is acceptable to "test" products on the lips, instead of on the wrist or back of the hand, preferably over a piece of clear stick-tape. Please check the basis of my complaint with the Health Department.

THE ADVERTISER'S RESPONSE

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

Woolworths takes its advertising obligations very seriously and believes that the complaint should be dismissed for the reasons stated below.

The advertisement in question is a significant part of the new Big W brand campaign of which Big W's strategy is to demonstrate our commitment to offering "Australia's Lowest Prices" every day.

This particular advertisement is based around Eric, a Hollywood Celebrity, who upon visiting one of Big W's stores finds great products at fabulous prices.

The complainant's concern with the relevant scene in front of the "cosmetic stand" was intended to depict value. It is worthwhile noting that while Big W does not actually offer testing products within its stores for this particular beauty product, it is common practice within the industry to supply testers for customers to be able to try beauty products.

Woolworths does not consider that the purpose or intent of the advertisement was to encourage consumers to use the product in an unhygienic or inappropriate manner nor do we believe it would have that effect.

Woolworths appreciates the ASB's careful consideration of a complaint and will accept Woolworths' submission that this complaint should be dismissed.

Thank you for your assistance.

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 the unsafe use of sharing a lipstick which is 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 the advertisement features the actor Eric Stonestreet being shown around a Big W store by a member of staff whilst he comments on the low prices.

The Board noted that in one scene we see a woman at a cosmetic stand applying lip gloss and considered that it is not clear whether the lip gloss belongs to the woman or if she is applying a tester. The Board noted that it is common practice for cosmetic testers to be available for consumers to try products before they buy and considered that whilst it is commonly understood that for personal hygiene reasons it is preferable to test lipsticks and lip glosses on your skin rather than your lips there is no law or prevailing community standard surrounding this issue.

The Board noted that the lip gloss scene is very brief within the context of the whole advertisement and considered that overall the advertisement is not condoning or encouraging behaviour which is contrary to prevailing community standards on health and safety.

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

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