



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0135-21
2. Advertiser :	Brand Developers
3. Product :	Retail
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	26-May-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement is an infomercial for the U Curl Auto Curler from Thin Lizzy. It features a number of people using the product and comparisons to people using other products.

The voice over includes the phrases, "even a four-year-old can use it to curl her own hair" and "use it at home, in the office, even in your car".

THE COMPLAINT

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

The ad states that the Styler "can be used in the car" implying using while driving or stopped at traffic lights, which is extremely dangerous if not illegal

With the amount of road accidents happening, I think it's inappropriate to tell people that they can use an item in their car.

I have seen first hand, people putting make-up on and brushing their hair, while driving to work.

It is as bad as using your mobile phone while driving!!!!!!!!!!



THE ADVERTISER'S RESPONSE

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

We are responding to the two complaints to a screenshot in the above-referenced advertisement.

You will see from the copy of the advertisement provided with this response, that the complainants are each responding to a one second shot of a young woman sitting in a car using the Thin Lizzy UCurl auto curler.

The car is not moving, the person is clearly not driving the car while using the UCurl auto curler, there is nothing in the advertisement that would support the message that the advertiser endorses the use of the auto curler in a car while driving that car.

We submit that the advertisement does not depict material contrary to prevailing community standards on health and safety and should be allowed to continue to be put to air as it is.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement promotes using an hair curling appliance in a vehicle and that using such an appliance while at traffic lights or driving is unsafe.

The Panel viewed the advertisement and noted the advertiser's response.

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

The Panel noted the Practice Note to Section 2.6 which states:

"Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.

"Advertising which demonstrates the unsafe use of machinery, even when not the focus of the advertisement, is likely to be seen as unsafe and against prevailing community standards on health and safety."

The Panel noted that the scene depicting a woman using the hair curler in a vehicle occurs twice in the advertisement.



The Panel considered that the vehicle is clearly not moving when the woman is using the curler, and considered that there is no suggestion that she is driving rather than using the product while parked.

The Panel considered that using a hair curling device in a parked car is unlikely to be considered by most members of the community to be unsafe.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.