



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0147-20
2. Advertiser :	Audible
3. Product :	Entertainment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	13-May-2020
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts well-known chef Poh Ling Yeow in her kitchen, listening to Audible while cooking. Poh pauses the app and starts to talk to the audience about the benefits of Audible. She ventures over to the fridge where she finds Celeste Barber, a well-known comedian, waiting to question her on what she is cooking and listening to. After a brief conversation, Poh closes the door and continues her day while Celeste remains into the fridge. We end the ad with Celeste walking down the street, holding up her phone with the Audible app on screen.

THE COMPLAINT

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

I am concerned that young children seeing Celeste Barber hiding in a fridge will think it is a fantastic hiding place for "hide and seek." This is a dangerous message, as children have died from hiding in fridges, they are a death trap. Poh literally closes the door on Celeste while she is in the fridge after talking to her. This idea could have worked just as easily if Celeste had been hiding in a pantry eating a product from the pantry rather than a refrigerated item like celery. It's something to think about, especially when children are in lockdown trying to keep themselves entertained and might be more likely to both see the ad and to be playing games like hide and seek with each other.

I think it is irresponsible to show a lady sitting in a fridge. I have known how a child suffocated in a closed fridge. If a child saw this and put another child in a fridge they



don't have the understanding of the consequences or attention span and could walk off and leave them. I actually go cold every time I see the advertisement. I know it's probably just an oversight by Audible.

Object strongly to depiction of shutting someone in the fridge. Bad example can result in mortality of little children playing this trick on each other, particularly at the moment while many are home and bored during home stay for COVID-19.

THE ADVERTISER'S RESPONSE

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

We provide the following information in support of our comprehensive response to Section 2 of the Code: The Advertisement is for a service that features well-known adult talent, targets adults as an over 18 service, was broadcast in adult focused programming with no kids programming purchased, and is presented in a humorous manner.

In our view, there is nothing in the Advertisement that would reasonably give rise to a complaint under Section 2 of the Code. We note also that the Advertisement was CAD approved and granted a G rating, with no concerns raised at the time. Our specific comments on each head of Section 2 in relation to the Advertisement and the Complaint follows:

(a) Section 2.1 - There is nothing in the Advertisement that portrays people or depicts material in a way that discriminates against or vilifies a person or a section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

(b) Section 2.2 - There is nothing in the Advertisement that employs any sexual appeal related to minors or generally.

(c) Section 2.3 - There is nothing in the Advertisement that presents or portrays violence.

(d) Section 2.4 - There is nothing in the Advertisement that relates to sex, sexuality or nudity.

(e) Section 2.5 - The language used in the Advertisement is appropriate in the circumstances.

(f) Section 2.6 - As mentioned above, the Advertisement features adults, is for a product/service for adults, was broadcast during programming targeting adults, and is humorous. It is not reasonable to suggest that the advertisement would encourage a child to hide in a fridge or to encourage a child to engage in any unsafe behaviour. Accordingly, the Advertisement does not depict any material contrary to prevailing community standards on health and safety.

(g) Section 2.7 - The Advertisement is clearly and advertisement for Audible's products/services.



In our view, there is no reasonable basis for a complaint to be made under Section 2 of the Code. However, we care deeply about the wellbeing of all Australians, and have therefore made the decision to remove this advertisement from TV, while we update the creative to remove the scene in question.

THE DETERMINATION

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

The Panel noted the complainants' concern that the advertisement depicts someone hiding in a fridge which is dangerous behaviour which may be imitated by children.

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

The Panel considered whether the advertisement was in breach of 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 Panel noted the advertiser's response that the advertisement is targeted at adults, features adults and is played in adult-targeted programming and is unlikely to encourage a child to engage in unsafe behaviour.

The Panel noted that there have been instances where children have become trapped in white goods and that it has previously upheld complaints involving depictions of people inside fridges or other appliances: where a man is seen inside a chest freezer (case reference 0280-18), a woman is shown to be hiding in a chest freezer (case reference 0406-11), and a complaint where a man is shown to be inside a fridge when the door is closed on him (case reference 0440-12).

A minority of the Panel considered that modern refrigerators can be opened from the inside, and that the danger of becoming trapped in a refrigerator was related to fridges with latch designs which were popular in the 50s and 60s. A minority of the Panel considered that the depiction of the woman in the fridge was clearly an unrealistic depiction, with the fridge having been modified and having no back. The minority of the Panel considered that most people would consider that the advertisement was not suggesting that sitting in a fridge was desirable. The minority of the Panel considered that refrigerators in most people's kitchens would have shelves and food in it, making it hard for children to use this as a hiding place. A minority of the Panel considered that the fantastical nature of the advertisement, in combination with the fact modern fridges can be easily opened from inside, meant that the behaviour depicted in the advertisement was not depicting material contrary to Prevailing Community Standards on refrigerator safety.

The majority of the Panel noted that safety around appliances is an important safety issue and considered that the behaviour shown in the advertisement could indicate to



children that refrigerators are a safe place to hide. The majority of the Panel noted that the advertisement included the celebrity chef Poh, who is currently on the popular family television show Master Chef, and her appearance in this advertisement would attract the attention of children. The majority of the Panel considered that by law refrigerators in Australian homes can be opened from the inside, however the majority of the Panel considered that old fridges and freezers which were empty and no longer in use would also be attractive hiding places for children, and this advertisement could influence children to believe that these or other similar types of appliances or storage facilities are safe places to hide.

Consistent with previous determinations, the majority of the Panel considered that the advertisement depicts material which is contrary to Prevailing Community Standards on health and safety. The Panel 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 Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We regret that this advertisement has sparked concern for a number of Australians, as we care deeply about the wellbeing our community. When we received the notification from Ad Standards regarding this complaint, we immediately removed the advertisement from television. We have subsequently made the decision to modify this advertisement to remove the scene in question, and will look to run updated creative moving forward.