



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0159/14
2	Advertiser	Wholesale Paint Group
3	Product	House Goods Services
4	Type of Advertisement / media	TV
5	Date of Determination	14/05/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The 15 second television commercial is one of two commercials used for the company's annual paint sale. The TVC question has no voice over, only text and a siren sound effect. It is designed to attract the viewers attention to the paint sale.

THE COMPLAINT

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

I am concerned that it uses a siren to attract viewer's attention. It is very loud and may confuse people during the cyclone season. It concerns me because if siren sounds are allowed to be used then people are going to be less likely to listen when there are real emergencies. It is like calling wolf when there is a real emergency people may not listen and this could cause loss of life. Also this can be confusing for the elderly. Could you please investigate. Thanks

THE ADVERTISER'S RESPONSE

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

After reviewing the AANA Code of Ethics, section 2 consumer complaints, the WPG does not believe it has breached the following,

2.1, 2.2, 2.3, 2.4, 2.5, 2.6

The TVC in question has no reference to any of the above points. The TVC in question is simply designed to attract attention of viewers to the one day paint sale. The WPG has conducted the sale over the past nine years in the March-April and September-October months. The WPG is a North Queensland founded company and is very much aware of the responsibilities associated with Cyclone, watches, warnings and threats. At no stage would the WPG conduct such an advertising campaign knowing the impending possibility of a cyclone approaching the North QLD coast. The siren used on the TVC in question draws no parallel to the official cyclone warning siren used on television of an approaching cyclone to a particular area of North QLD.

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 uses a siren to attract viewers attention and that this could confuse people in the event of a real emergency.

The Board viewed the advertisement and noted that 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 sound similar to a police siren in the background as text appears describing the type of paints available and the details of the sale and the paint stores.

The Board noted it had previously dismissed a similar complaint about an advertisement featuring the use of a siren for Joyce Mayne (ref: 0235/10) where:

“The Board considered that whilst some viewers might be distressed by the advertisement, most members of the community would understand the advertiser was using the Cyclone Warning Alarm to let them know “this is the big one, that is the biggest computer clearance on the coast” to encourage them to purchase its product. The Board considered that in the manner used in this advertisement, the community would be unlikely to become desensitised in the event of a real warning siren.”

Consistent with the above, the Board noted that in this instance, as the advertisement is a television broadcast the sound of siren may draw the attention of the viewer to the television but it would be apparent that the siren was being used for the purposes of the advertisement and not an actual emergency.

The Board considered that in this instance the advertisement does not depict any 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 complaints.