



Case Report

1	Case Number	0171/13
2	Advertiser	Bayer Australia Ltd
3	Product	Health Products
4	Type of Advertisement / media	TV
5	Date of Determination	12/06/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Canesten Plus ad shows an adult male in his late 30s in a gym locker room. He is engaged in two activities simultaneously—one activity is soft (e.g. Stroking a rabbit), while the other activity is hard (e.g. Putting a piñata through a wood chipper.) The actions are a metaphor for how the ingredients work in conjunction with each other to treat Athlete's Foot.

THE COMPLAINT

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

My complaint is based on a Health and Safety issue. The ad contains images of careless use of a Chain saw and a Mulcher.

THE ADVERTISER'S RESPONSE

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

We are writing in response to your letter dated 15 May 2013 regarding a consumer complaint relating to a television advertisement for Canesten Plus.

Background

We note that the complaint(s) was initiated and submitted online to the Advertising Standards Bureau.

Your letter states that in addition to considering the specific issues raised by the complainant, the Advertising Standards Board will review the advertisement against section 2 of the Advertiser Code of Ethics (Code). In this regard, you have asked us to consider whether any issues within the advertisement fall within section 2 of the (Code).

In our view, the only section of the Code which is potentially relevant to the complaint is section 2.6, which provides that Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

For the purposes of our response, we note that the Code for Advertising & Marketing Communications to Children does not apply because the advertisement, having regard to the theme, visuals and language use, is not directed primarily to children. Also, the advertisement has not been placed in any timeslots or programs that children are likely to be viewing.

Similarly, the AANA Food and Beverages Marketing and Communications Code does not apply because the advertisement does not relate to a food or beverage.

Bayer's response to the complaint

The following issues were raised by the complainant:

"My complaint is based on a Health and Safety issue. The ad contains images of careless use of a Chain saw and a Mulcher".

Bayer does not agree that the issues raised by the complainant are justified. This view is based on the fact that the advertisement uses an unrealistic situation and humour to convey information to the audience about Canesten Plus.

The creative approach taken in this advertisement was to use items as metaphors for the purposes of immediacy and entertainment. The backdrop, wardrobe and character performance all reflect this 'suspended reality'. Throughout the commercial we show a range of props of which are intended to be a visual metaphor for either gentleness (playing a harp, floating a feather, painting a watercolour, stroking a rabbit) or immediate impact/effectiveness (the punching bag, scythe, chainsaw and mulcher). Overall, the tone is very tongue in cheek and intended to be amusing and light-hearted.

Bayer is extremely mindful of its responsibility to develop communications that do not raise concern amongst the community. Bayer does conduct consumer testing of advertising ideas well in advance of committing to implementation. This allows Bayer to identify any components that may be misconstrued or cause concern. The Canesten Plus advertisement was tested amongst consumers at a detailed executional level. The advertisement was positively received by consumers.

Bayer does not believe the advertisement would encourage a disregard for safety amongst the community. The advertisement is based on creative hyperbole and is clearly intended to be unrealistic. We trust that the concerns of the Advertising Standards Bureau have been sufficiently addressed, but should you require any further information, please do not hesitate to contact us.

Otherwise, we look forward to your favourable response.

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 promotes dangerous activities that could be copied by others and is contrary to prevailing community standards on health and safety.

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

The Board 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 Board noted that the advertisement features a man carrying out various activities, two at a time. He describes the dual action formula of the product "Canesten plus" while performing two things at once, such as playing the harp with one hand while punching a speed bag with the other hand.

The Board noted that the man is dressed in a comical manner sitting in a sporting change room, speaking to the camera about the benefits of the using the cream. The Board noted that the scenarios shown are unrealistic and intended to be humorous.

The Board noted the specific scenes where the man uses both a chain saw and then a mulcher and agreed that the scenes were clearly fictitious and not encouraging or condoning the use of these tools in an unsafe manner. The Board agreed that the equipment shown in the advertisement is not typical of the type of equipment that would be found in a sporting change room and that this supported the notion of the advertisement being completely unrealistic.

In the Board's view the advertisement is not promoting any form of unsafe behavior and is not likely to encourage people to re-enact the behaviour seen in the advertisement and 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.