



Case Report

1	Case Number	0178/10
2	Advertiser	Choice Magazine
3	Product	Media
4	Type of Advertisement / media	Print
5	Date of Determination	12/05/2010
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This Print advertisement depicts image of man sitting in fridge wearing a beanie and white coat with caption "After testing 48 fridges, Petr has gone to all extremes to get you the best buy". A special subscription offer '4 issues for just \$4' is featured with caption in small print 'Petr has been a Product Tester for 11 years'.

THE COMPLAINT

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

Having a photo of a person inside a fridge is extremely irresponsible. My five year old son cannot read but can look at the pictures and think that playing in a fridge is an ok thing to do. We do not normally censure our newspapers and often have them lying around the living room over the weekend while we read them. It was lucky that I saw this and could dispose of it before my children saw it. I hope that it is not seen and influences any other children. Choice should be ashamed of themselves.

THE ADVERTISER'S RESPONSE

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

On Friday, 9 April 2010 (at 10:19pm) we received an email from the complainant advising of their dissatisfaction concerning the visual of the man in the fridge (front cover of a leaflet). On Monday, 12 April upon reviewing the email we immediately responded via email – refer below:

Thank you for your email and feedback.

At CHOICE we are always interested to hear about the experiences of our subscribers and consumers, and their views on different topics. This hopefully enables us to stay alert to the concerns of consumers.

We apologise if we indirectly conveyed the irresponsible activity of children (or anybody else) getting inside fridges. This was not our aim. The objective of the visual communication was to illustrate (albeit incorrectly based on your feedback) the extent to which our testers research products.

Please accept our apologies and we will cease using this visual.

As the leaflet was inserted in a number of other publications (The Monthly, AFR Boss Magazine, Age Melbourne Mag (metro only), AFR Magazine, Gourmet Traveler Wine, New Scientist, Inside Out, Real Living, Country Style), I immediately reviewed the media schedule to see if the leaflet could be withdrawn. Unfortunately the timing requirements to cancel the leaflet had already passed. The magazines were chosen to reflect Choice's readership profile. At Choice, we pride ourselves on our rigorous and independent product testing and service reviews but also championing consumer interests. It was not our intention to cause concern or portray disregard for safety.

Although the feedback received from Tmne is the only negative response we have received concerning the leaflet, we are regretful we caused any concern and shall ensure it is not utilised in the future. We shall also ensure there is further rigor in reviewing and approving material before publication.

Again, please accept our sincere apology.

THE DETERMINATION

The Advertising Standards Board ('The Board') considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics ('the Code').

The Board noted the complainant's concern that children might see this advertisement and think that it is acceptable to climb into a fridge.

The Board considered whether this advertisement complied with section 2.6 of the Code which requires that advertisements not 'depict material that is contrary to prevailing community standards on health and safety.'

The Board noted that there is a level of community concern about safety of children around empty fridges and freezers. The Board noted that, while fridges and freezers are no longer

made with locks on the doors, should a child become shut into a fridge or freezer, it may be difficult for a child to get themselves out.

The Board noted the advertiser's response, including the advertiser's intention to withdraw the advertisement, and that the depiction of the man in the fridge is intended to show, in a humorous manner, the 'thoroughness' of the research that the advertiser conducts on a product. The Board considered however that the man is depicted in the fridge in a manner that is reminiscent of a game and that this image could be attractive to children.

The Board noted that the advertisement appears primarily in publications targeted to adults but that many of these publications would be available to children in the home. The Board considered that the advertisement's depiction of a person in a fridge is a depiction that is contrary to prevailing community standards of safety. On this basis the Board determined that the advertisement breached section 2.6 of the Code and upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

As stated in our initial response, we will cease using the visual and will no longer use the leaflet.