



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0191/19
2	Advertiser	Brand Developers
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/07/2019
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is an infomercial for an infrared wall heater. The heater is shown in various social settings. Some scenes of the advertisement show water being poured on the heater.

THE COMPLAINT

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

The main OBJECTION is repeated throughout the advertisement is the pouring of water over a live electrical appliance. On this occasion there is a repeated display demonstration of water being poured over a bar radiator.

THIS IS FATAL - IT CAN KILL. IT IS EXTREMELY DANGEROUS.

If this pouring of water over a LIVE electric bar radio is supposed to demonstrate the item's waterproof safety, IT SHOULD NOT BE DEMONSTRATED.



*My fear is that people may well pour water over other bar radiators and **FATALLY HARM THEMSELVES.***

*It is totally imprudent to pour water over live electrical appliances especially if the appliance is purportedly meant to be waterproof. Waterproof or not not waterproof, **IT IS DANGEROUS.***

It is only the pouring of water over an appliance that I object to. Portions of the advertisement featuring this demonstration should be erased from the advertisement.

The rest of the advertisement can remain in tact. These demonstrate the capacity of the bar radiator to heat. Remove the objectional parts of pouring of water over a live appliance

THE ADVERTISER'S RESPONSE

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

Complaint Details Provided in Ad Standards' Letter of 18 June 2019:

*"The main **OBJECTION** is repeated throughout the advertisement is the pouring of water over a live electrical appliance. On this occasion there is a repeated display demonstration of water being poured over a bar radiator.*

THIS IS FATAL – IT CAN KILL. IT IS EXTEREMELY DANGEROUS.

*If pouring of water over a **LIVE** electrical bar radio is supposed to demonstrate the item's waterproof safety, **IT SHOULD NOT BE DEMONSTRATED.***

*My fear is that people may well pour water over other bar radiators and **FATALLY HARM THEMSELVES.***

*It is totally imprudent to pour water over live electrical appliances especially if the appliance is purportedly meant to be waterproof. Waterproof or not waterproof, **IT IS DANGEROUS.***

It is only the pouring of water over an appliance that I object to. Portions of the advertisement featuring this demonstration should be erased from the advertisement.

The rest of the advertisement can remain in tact [sic]. These demonstrate the capacity of the bar radiator to heat. Remove the objectional parts of pouring of water over a live appliance."

Brand Developers' Description of Advertisement:

The advertisement is a television advertisement in the form of an infomercial for an infrared wall heater. The heater is shown in various social settings and the efficacy of the heater is demonstrated – namely it's ability to quickly warm up occupied spaces and its waterproof nature, such that it can be used outdoors in the rain.



Brand Developers' Response to the Complaint under Section 2.6 of the Code of Ethics;

- *2.1 – Discrimination or vilification*

This section of the code does not apply to the advertisement of the complaint.

- *2.2 – Exploitative or degrading*

This section of the code does not apply to the advertisement of the complaint.

- *2.3 – Violence*

This section of the code does not apply to the advertisement of the complaint.

- *2.4 - Sex, sexuality and nudity*

This section of the code does not apply to the advertisement of the complaint.

- *2.5 – Language*

This section of the code does not apply to the advertisement of the complaint.

- *2.6 – Health and Safety*

It is clear from the wording of the complaint that the Complainant is concerned about the safety of the demonstration that the heater is water resistant.

In the first instance the product has been certified as water resistant and as safe from water splashes from any angle or direction (IPX4 Rating).

We acknowledge that there is a common belief that water and electrical appliances are not safe together. However, appliances such as water blasters, outdoor lights and electric cars that have an equivalent IPX4 Rating are all safe when water is dousing them. This is the case for the Sunshine Blade Instant Heater.

It would appear that the Complainant is concerned that “people will pour water over other bar radiators and FATALLY HARM THEMSELVES”. If water was to be poured over a standard heater the most likely event to take place will be for the circuit in the house breaker box to trip and switch off. For fatal harm to take place the person would need to become part of the electrical circuit. In other words, electricity would need to travel through the person on its way to ground. This could happen with “heater in water” (the heater thrown into an occupied bath), since the bather becomes part of the circuit. But for electrocution to happen with “water on heater”, the person would have to hold on to the glowing element and break it as they poured the water. We believe that simply the act of pouring water on a heater is not going to cause fatal harm. We submit that for the reasons above the Infomercial is not in breach of the Code, and that the complaint should not be upheld.

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 complainant's concern that the advertisement depicts dangerous behaviour that could be fatal if copied.

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

The Panel noted that this infomercial advertisement is promoting the Sunshine Blade Instant Heater. The advertisement demonstrates a variety of people enjoying the heat provided by the product, and people dissatisfied by alternate products. The voice over describes a number of features of the product, including the product being waterproof. In particular, the Panel noted a scene which depicted a person pouring water over the heater from a watering can, and that this scene appears multiple times throughout the advertisement.

The Panel considered whether the advertisement breached 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 complainant's concern that the advertisement depicts a person pouring water over a heater while it is on, and that this is unsafe behaviour on any other product.

The Panel noted the advertiser response that the product has been certified as water resistant and safe from water splashes, and that the act of pouring water on any heater is unlikely to cause fatal harm.

The Panel noted that the scene of water being poured over the heater appears numerous times throughout the advertisement, in both longer and shorter scenes. The Panel noted that the longer scenes were accompanied by the disclaimer 'DO NOT ATTEMPT WITH STANDARD HEATERS!' but this did not appear on the shorter scenes. The Panel considered that the infomercial was quite long and it would be reasonable to assume that some people would see small parts in isolation and not the entire advertisement.

A minority of the Panel considered that advertisers have the right to demonstrate the benefits of the product, and in this case the demonstration of the heater's waterproof abilities were clearly outlined.

The majority of the Panel considered that the advertisement's demonstration of the product working in all weather conditions, including rain, was sufficient to demonstrate the capacity of the product to be used in wet conditions and the demonstration of water being poured directly over the product was excessive and unnecessary.

The Panel noted they had previously considered an advertisement in case 0418/15 for



solar energy which shows an open pair of scissors cutting a power cord. In this case: “The Board noted that the power cord is not plugged in, and a minority of members considered that this was sufficient to not breach the Code. However a majority of members felt that this was not a strong depiction and that overall the use of household scissors open around the cord was a realistic image making it a greater risk that the action may be copied by a child who may not understand the danger of such an action and would not check to see whether a cord is plugged in or not. The Board considered that overall that the advertisement was not clear in the message that it was trying to convey relating to cost cutting options and that the depiction of an unsafe practice such as cutting a power cord with scissors was an inappropriate message to be sending to the community and in particular young children. The Board considered that the image of scissors cutting a power cord was a depiction that was contrary to Prevailing Community Standards on health and safety.”

The majority of the Panel considered that the scene did not look as though it was filmed in controlled conditions and the action of physically pouring water on the outdoor heater was an action which could easily be copied in the home.

The majority of the Panel considered that the depiction of a person pouring water on an electrical device was an inappropriate message to be sending to the community and in particular young children who could view the advertisement.

The majority of the Panel considered that although the action itself may not cause fatal harm, the activity displayed in the advertisement was in direct contrast to public messaging around electrical safety. The majority of the Panel considered that the depiction of a person pouring water onto an electrical device was one which most members of the community would consider to be unsafe.

In the Panel’s view the advertisement does depict material contrary to Prevailing Community Standards on health and safety and that it did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser responded that they will modify the advertisement, advising that the modification will remove the scene with the watering can. Because we have in-house editing team this will be done straightaway. CAD then have a 14 day (and sometimes less) turnaround for revisions to advertisements.

