



Case Report

1	Case Number	0206/10
2	Advertiser	L'Oreal Australia Pty Ltd
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	12/05/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens with cyclone warning alarm and sound playing and depiction of young girl alarmed to discover her complexion is not as clear as she would like. Voiceover details the effectiveness of NEW Garnier PureActive scrub with suggestion for those with acne-prone skin “to take instant action” to remove blackheads and their marks. She is then depicted happily with a group of her friends with end caption: Take care. GARNIER

THE COMPLAINT

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

It is using the Cyclone Warning Alarm symbol and sound to attached the viewers' attention. In Queensland and particularly North Queensland we are very conscious of the importance of Cyclone and other Emergency Warning advice on the TV and radio and this ad could lead to desensitising us to the real thing.

THE ADVERTISER'S RESPONSE

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

We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics, specifically section 2.6 – Health and Safety within Prevailing Community Standards.

I am confirming that we have followed all the prescribed procedures under the various regulations to be able to air this TVC on free to air stations. This commercial has been used extensively overseas in this format and we were not aware that the siren sound at the start of the TVC is similar to the current Qld Cyclone siren.

Whilst we, with respect, do not believe that we are in breach of the ASB Code of Ethics, we understand that this sound can cause some distress to certain viewers in Northern Queensland.

Accordingly, as a sign of goodwill, I am confirming on behalf of L'Oreal Australia that we have taken the appropriate measures to immediately discontinue the airing of this TVC on all free to air stations and from today, Monday the 10th May 2010, to also discontinue the airing of this ad in this format on STV.

We are currently working with our advertising agency to rework the advert with the view to remove the siren sound.

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 depiction of the Cyclone Warning Alarm symbol and sound in the advertisement could desensitise viewers to the real thing, particularly in Queensland.

The Board viewed the advertisement and noted the advertiser's response advising that the advertisement would not be aired in this format from 10 May 2010 and the intention to rework the advertisement to remove the siren sound.

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the tone of the advertisement did draw upon young people’s vulnerability when dealing with something which may be of concern or alarm to them, in this case their complexions. The Board agreed the sound featured in the advertisement was a mild and insignificant part of the advertisement. 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 in order to persuade them “to take instant action” 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.

The Board determined that in this instance, the advertisement did not depict material contrary to current prevailing community standards on health and safety 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.