

Case Report

1	Case Number	0209/14
2	Advertiser	Rinnai Australia Pty Ltd
3	Product	House Goods Services
4	Type of Advertisement / media	TV
5	Date of Determination	25/06/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement portrays fictional scientists, laboratory assistants and teddy bears within a "Rinnai Laboratory" demonstrating the benefits of the Rinnai Infinity 26 Touch (a water heater). A male scientist says, "At the Rinnai Institute of Comfort we strive to make your experience with hot water as safe and as comfortable as possible." The man then goes on to say, "This is hot water from an electric tank, so it's hard to get a safe temperature. Ouch!!" and we see a teddy bear being dipped in to the water and then removed with pink legs. The man then dips a teddy in to the water of a bath filled by the Rinnai Infinity 26 Touch and says, "You can relax knowing its just right for the kids."

THE COMPLAINT

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

As a buyer of Rinnai products I feel compelled to complain about this ad. My objection is twofold. My first objection is that the advertisement trivialises the very serious prospect of scalding and burning children in hot baths. It verges on flippant. It is distressing to hear a searing sound as the teddy is plunged into the bath and see what represents bright pink burnt legs being displayed. Secondly, in the elevator at the start of the ad, there is a person dressed as an adult sized teddy bear. The advertiser has purposely sought to make the bears appear "alive" which then transfers to the animated little teddy bears which have a "physiological" response to their legs being scalded. This is further enhanced by the changed facial expressions on the teddy. While perhaps less of an issue, it could be claimed that this ad

somewhat endorses animal testing to demonstrate scalding. If I were to be hypercritical, the scalded bear was not given first aid and it was not indicated what to do in the event of a scald burn for a child (or a "human" teddy). Also the device I gather does not say "Just right" or "Too hot" like the product does? This is not clear in the ad and what happens if the person chooses 55C? A very poor and disturbing ad for a very valued and reputable company.

THE ADVERTISER'S RESPONSE

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

We refer to your letter regarding the complaint you received in relation to one of Rinnai's recent TV advertisements.

The complaint was made pursuant to section 2 of the AANA Code of Ethics (the "Code") and we have considered the ad in relation to all parts of section 2, with particular focus on section 2.6 of the Code "Health and Safety". Our assessment was based on 'Prevailing Community Standards', or how the ad might reasonably be viewed by the relevant audience, and in this context we consider that the ad does not breach such standards, for the reasons outlined below.

In relation to sections 2.1, 2.2, 2.3, 2.4 and 2.5 we do not consider there to be any grounds for breach of these sections, for the following reasons:

- No reference is made in the complaint to the subject matter of these sections.*
 - The ad makes no reference to race, ethnicity, nationality, gender age, sexual preference, religion, disability, mental illness or political belief. Furthermore, the ad does not contain any exploitative or degrading material or obscene language, nor are there any references at all to sex, sexuality or nudity.*
 - The ad contains no depiction whatsoever of harm or 'violence' against a person, nor is this cited in the complaint. The complainant appears to take issue with what they perceive to be endorsement of "animal testing to demonstrate scalding". No animals are featured in the ad; the complainant notes the use of the animated toy teddy bear however this could not reasonably be deemed to be an animal either in the context of Prevailing Community Standards or the ordinary definition ("a living thing that is not a human being or a plant"). In relation to section 2.6 of the Code "Health and Safety", we do not consider the ad to have contravened this section on the following basis:*
 - The target audience is quite obviously the adult market; the product being advertised is a hot water system which would be of little interest or relevance to children. The use of animated 'teddy bears' is simply an eye-catching method of advertising the product benefits in conjunction with the "mad scientist" theme.*
 - No reasonable adult or person would consider a teddy bear to be "a living thing". The fictional nature of the ad is further compounded by the larger teddy bear holding open the elevator doors as well highly artificial looking pink material sewed onto the toy's legs. The ad is not reminiscent of a realistic situation by any reasonable standard.*
 - We do not believe that the ad "trivialises scalding and burning children in hot baths", if anything the ad aims to promote the importance of using a quality hot water system to more accurately regulate water temperature and prevent injury from occurring.*
- For the reasons cited above, we do not believe that the advertisement contains material contrary to Prevailing Community Standards.*

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 trivialises the dangers of scalding and burning children in hot baths and depicts a bear being burnt by hot water.

The Board viewed the advertisement and noted 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 the advertisement features a scientist demonstrating the dangers of excessively hot water by using teddy bears being dipped in to baths.

The Board noted the advertiser’s response that the advertisement “aims to promote the importance of using a quality hot water system to more accurately regulate water temperature and prevent injury from occurring” and considered that the use of a teddy bear to demonstrate the warmth of the water is a safe way to highlight the dangers of scalding and that the sound effects are to demonstrate how hot the water is.

The Board noted it had previously dismissed a complaint about toy M&M characters flinching when pins are stuck in to voodoo dolls (0216/11) where it noted that:

“...the M&Ms depicted are clearly cartoon characters...”

The Board considered that in this instance the use of the teddy bear is clearly a depiction of a toy being dipped in to a hot bath. The Board considered that this advertisement clearly articulates the importance of appropriate water temperature using statements like, “hard to get a safe temperature” and “set the temperature knowing it is just right for the kids”. The Board considered that the advertisement does not create an impression of a depiction which trivialises the important issue of hot water safety.

The Board noted the complainant’s concerns that showing an adult dressed as a giant teddy bear at the start of the advertisement means that the toy teddy bear used in the hot water demonstration is more likely to be viewed as ‘alive’. The Board noted that the advertisement is directed at adults and considered that even if children were to view the advertisement it is not likely that they would consider the toy teddy bear to be a living creature. The Board noted the complainant’s concerns that the scalded teddy bear is not given first aid and considered that in the context of a toy being dipped in hot water the giving of first aid is not necessary.

The Board considered that the advertisement did not depict material contrary to prevailing community standards on safety around hot bath water.

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 complaint.