



Case Report

1	Case Number	0212/11
2	Advertiser	Mars Confectionery
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	27/07/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Two police men are sitting in a police car singing along to Starship's "Nothing's gonna stop us now". The both inhale helium from balloons and continue singing in higher pitched voices.

THE COMPLAINT

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

The ad shows to police officers appearing to inhale helium from balloons and then singing with funny voices. As the practice of inhaling helium is dangerous and this commercial appears to endorse such behaviour and may influence and encourage other people to undertake a potentially dangerous activity I feel it is inappropriate.

Having police endorsing such a dangerous activity is wrong. Sucking on helium can collapse lungs and cause health problems.

Doing this is a dangerous practice and I am living with the results having a son who is believed to have suffered brain damage from a similar practice. The ad makes out it is a fun thing to do and in fact this can have very bad effects if done over a period of time and encourage an impressionable child or person. The ad sent absolute shivers down my spine as I watched with horror.

For my sons sake I would prefer no publicity of any kind.

I object to the use of helium being inhaled especially when it was aired during a prime time family orientated program. Please investigate the dangers of inhaling helium and effects it can have on your body.

THE ADVERTISER'S RESPONSE

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

Further to your query on the latest campaign we are currently seeking advice from the relevant regulatory authorities on this matter. Whilst there is only 2 weeks left of advertising for this TVC with low bookings, Mars Chocolate Australia will not be using this global TVC in the future in Australia. Mars Chocolate Australia certainly does not endorse the promotion of dangerous behaviour and values your feedback here.

Mars Chocolate Australia does not advocate the inhalation of helium. The TVC depicts an exaggerated, humorous scenario and is not advocating or encouraging a specific use of helium.

We trust that the information supplied is satisfactory to the Advertising Standards Bureau.

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 complainants’ concerns that the advertisement depicts a dangerous act.

The Board reviewed 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 the complainant's concern that the advertisement depicts unsafe use of helium gas.

The Board noted that inhaling from a helium balloon does have the effect depicted in the advertisement and that it is not uncommon for children and adults to make use of helium balloons to achieve the high pitched voice, usually at a party. The Board noted the complainants’ concerns about the possible consequence of inhaling helium. The Board considered that the use of helium may be an emerging safety issue in Australia however in this instance the Board considered that the depiction in this advertisement is unlikely to condone or encourage similar behaviour, or to encourage habitual use of helium.

The Board determined that the advertisement did not depict material contrary to 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.