



Case Report

1	Case Number	0235/10
2	Advertiser	Joyce Mayne
3	Product	House goods/services
4	Type of Advertisement / media	TV
5	Date of Determination	09/06/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Advertisement for "the biggest computer clearout" begins and ends with sound of a siren similar to a cyclone warning siren. Large text flashing over the screen and voiceover describing the items on sale.

THE COMPLAINT

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

This is surely is unwise because when there is a siren for a cyclone people will tend to think this is just another adv!

Please therefore prevent the use of WARNING SIRENS and PUBLIC NOTICE in commercial advertisements.

THE ADVERTISER'S RESPONSE

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

This advertisement uses the cyclone warning with voice over. It has been broadcast previously without complaint. The Joyce Mayne Sunshine Coast franchised stores,

Chancellor Park and Maroochydore have not received complaints relating to this advertisement.

In response to AANA Code of Ethics: 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety; we do not believe that the advertisement concerned has breached this section. We have reviewed all other sub sections of Section 2 and believe that the contents satisfy all requirements.

The sound effect of the cyclone warning is only used whilst the announcer is speaking and is not intended to alert or upset any viewer or listener to the advertisement.

Cyclone warnings are usually distinct and it is not the intention of the advertisement to reduce the impact of normal warnings.

We sincerely regret that this has caused concern for the viewer who has lodged the complaint.

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.

The Board viewed 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 states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the advertisement related to a computer clearance sale. The Board considered 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 to let them know “this is the big one, that is the biggest computer clearance on the coast” to encourage them 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.