



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0237-19</b>
<b>2. Advertiser :</b>	<b>Brand Developers</b>
<b>3. Product :</b>	<b>House Goods Services</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>24-Jul-2019</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This television advertisement is an infomercial for an infrared wall heater which aired in a breakfast program. 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:

*Dangerous behaviours*

*Throwing water over electric heater to prove it is an outdoor heater.*

*Dangerous behaviour.*

*There is no warning advising people not to do this generally.*

*Children could be watching.*

### THE ADVERTISER'S RESPONSE



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

*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 FATEFULLY 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 material contrary to prevailing community standards on health and safety.

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 which aired in the program Studio 10. The advertisement demonstrates a variety of people enjoying the heat provided by the product, and people dissatisfied by alternate products. The two women discussing the product describe 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 dangerous behaviour on any other product.

The Panel noted the advertiser's 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 appeared only briefly in the advertisement and was a demonstration of the products capabilities.

The Panel noted that it had previously considered an advertisement for this same product which featured similar scenes in case 0191-19, in which:

"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 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.”

Consistent with the determination in case 0191-19, the Panel considered that the depiction of someone pouring water over a heater was in direct contrast to public messaging around electrical safety and 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**

We understand that Complaint 237/19 has been upheld. We will be modifying the advertisement by taking out the shots of water being poured on the heater from a watering can.