



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0242-20
2. Advertiser :	Global Shop Direct
3. Product :	House Goods Services
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	26-Aug-2020
6. DETERMINATION :	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television infomercial is promoting the Paint Blaster 4x4 Max which is a paint sprayer. The advertisement shows the product in use, painting walls, furniture, and being used in a number of product demonstrations to showcase its uses and performance, as well as features such as spray settings, its LED light and so on. The advertisement has direct call to actions to call or go online to the stated phone number or URL to purchase the product at the price on screen.

THE COMPLAINT

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

This is not a good look for your audience and is against the health and safety laws in the use of the above equipment This advertisement should be pulled from viewing till it applies to safety requirements as to educate the public in the safe use of equipment they use.



THE ADVERTISER'S RESPONSE

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

The TV commercial in question is, to our knowledge the 28.30 infomercial for Paint Blaster 4x4 Max.

This commercial does include safety messages on the ad in relation to safe usage, though the actors and presenters do not wear masks or gloves.

The disclaimers used in the commercial are:

" Always follow instructions and safety directions - wear eye protection, gloves, protective clothing and a face mask when spraying or handling chemicals"

This appears at the time codes:

02.12

05.33

11.48

14.24

18.09

21.04

23.10

27.03

The website the consumer is directed to also has safety information on it:

<https://www.globalshop.com.au/products/paint-blast-4x4-max>

Furthermore, the information manual supplied with the product has detailed safety and usage information on it.

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 people not using appropriate safety protection while using the promoted paint sprayer.

The Panel viewed the advertisement and noted the advertiser's response.

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 advertiser's response that the advertisement clearly communicates safe usage messaging through the use of disclaimers on the ad, safety information is available on the website and the product comes with clear instructions and safety messaging.

The Panel noted there is a disclaimer, "Always follow instructions and safety directions – Wear eye protection, gloves, protective clothing and a face mask when spraying or handling chemicals." The Panel noted that the disclaimer appears on screen eight times for a duration of 12 seconds at a time during the 28 minute long advertisement.

The Panel considered that not all members of the community would read safety disclaimers or instructions. The Panel noted that the use of the product was demonstrated by showing various using the paint sprayer indoors in a demonstrative manner (using various products such as furniture, a fake brick wall, a door) and various people using the paint sprayer in a natural manner such as painting a house outdoors. The Panel considered that other than the disclaimer, which was quite small on the screen, there was no visual or audible indication in the advertisement that safety equipment should be worn when using the product. The Panel considered that a reasonable person would take an overall impression from the advertisement that the product was safe to use without wearing personal protective equipment. The Panel considered it was likely that people would use the product as demonstrated in the advertisement.

The Panel noted that the advertisement emphasised the concept of DIY and homeowners choosing to complete the painting tasks themselves versus paying a professional. The Panel noted the scene depicting a person appearing to peruse an invoice and appearing displeased at the cost. The Panel considered that the emphasis of using the lower cost product outweighing the benefits of using a professional, reinforced the visual interpretation that safety equipment is not an important consideration in purchase.

The Panel noted that none of the people shown using the product in the advertisement were wearing the recommended gloves, eyewear and mask. The Panel considered that the people in the advertisement were using the product in a manner which could be hazardous considering their lack of safety protection.

The Panel noted that it had previously considered similar issues in cases 0285-19 and 0256-14 relating to safety recommendations when using a product. In case 0256-14:

"The Board noted that the advertisement did not show the couple installing the product dressed in the manner stated above but that they did have gloves on and were working together.

The Board noted the advertiser provided lengthy product specifications outlining the details of the product and technical data and evidence of the product's safety... The Board considered that as the website and packaging provided strong suggestions for



how to suitably dress when installing the product, these recommendations are in line with what the community would consider appropriate and reasonable protective equipment for home insulation installation... Based on the above the majority of the Board considered that the advertisement depicted material contrary to prevailing community standards on health and safety in the workplace and determined that it did breach Section 2.6 of the Code.”

Consistent with the determination in cases 0285-19 and 0256-14, the Panel considered that the advertisement’s depiction of numerous people using this product without the recommended protective gear was a depiction 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

After reviewing the verdict we will discontinue running this advertisement on TV and remove from the video from the website.