



## Case Report

1	Case Number	0263/11
2	Advertiser	Deals2u
3	Product	House goods/services
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

Infomercial promoting the Magic Bullet which can be used to chop or blend different foods. In one of the kitchen scenes, a woman is seen with a cigarette in her mouth.

### THE COMPLAINT

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

*There is one lady watching (Hazel) with a cigarette hanging out of her mouth . In the kitchen while they are preparing food.*

### THE ADVERTISER'S RESPONSE

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

*The show visual was produced in the US three - four years ago and was approved for OZ broadcasting by CAD in November 2009. Multi Channel Distribution (MCD) only added OZ CTA, therefore the other parts of the show were not produced by MCD.*

*MCD will very happily edit out any shots of 'Hazel' to conform to the Standards and keep the infomercial on Air. After consideration we await for your advisement.*

## **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 woman smoking in a kitchen.

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 advertisement features a scene where a woman is in a kitchen area with a cigarette in her mouth.

The Board noted that government policy is to reduce the exposure of the public to messages and images that may persuade them to start or continue smoking or use tobacco products. The Board considered that while the community tolerates a level of smoking it does not tolerate images which promote smoking as glamorous or cool.

The Board noted that the woman who is smoking in the advertisement is presented as a caricature and that although she is in a kitchen area she does not assist in the preparation or handling of food or drink. The Board considered that in comparison to the other actors in the advertisement, the woman smoking is made to look silly and out of place in that environment.

The Board noted its strong view that images that glamorise smoking should not be permitted as they are a depiction of material contrary to prevailing standards on community health and safety and contravene section 2.6 of the Code. In this instance however the Board considered that the presentation of the woman smoking was such that it was not glamourising smoking or encouraging others to smoke.

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.

