



Case Report

1	Case Number	0290/12
2	Advertiser	Reckitt Benckiser (Aust) Pty Ltd
3	Product	Health Products
4	Type of Advertisement / media	Print
5	Date of Determination	25/07/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behavior
2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement is a print ad for Reckitt Benckiser's Strepsils throat lozenges in the Australian Woman's Weekly. The Advertisement features a picture of a slice of bread on a plate. The bread appears to be fairy bread. Upon closer examination it is apparent the bread is covered in dressmaker pins with multi-coloured heads. The Advertisement features the tagline 'Swallowing doesn't have to feel like this!' together with a picture of each of the Products, a description of their listed indications and mandatory warning statements.

THE COMPLAINT

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

I object to this ad as I am a Grandparent of 3 young children that could quite easily as well as other children feed their siblings some fairy bread such as this... Children Mimic especially such a childhood food icon such as Fairy Bread... I'm sure many mothers would feel the same... This ad engages children when it really should be engaging adults as that is the target market for Strepsils users.

THE ADVERTISER'S RESPONSE

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

I refer to your letter regarding a complaint received from a member of the public concerning and advertisement (the Advertisement) for Reckitt Benckiser (Australia) Pty Limited's (Reckitt Benckiser's) Strepsils throat lozenges (the Products). Thank you for the opportunity to comment on the issues raised in the complaint.

Background

The Advertisement is a print ad for the Products in the Australian Woman's Weekly. The Advertisement features a picture of a slice of bread on a plate. At first glance the bread appears to be fairy bread. Upon closer examination it is apparent the bread is covered in dressmaker pins with multi-coloured heads. The Advertisement features the tagline 'Swallowing doesn't have to feel like this!' together with a picture of each of the Products, a description of their listed indications and mandatory warning statements.

The complaint takes issue with the Advertisement on the basis that it is targeted at young children who could easily replicate the "fairy bread" depicted.

Submission

Your letter states that the complaint raises issues under section 2.6 of the AANA Advertiser Code of Ethics (Code of Ethics). We have reviewed the entirety of section 2 of the Code of Ethics and can find no other provision of section 2 which has any potential application to the issues raised in the complaint. Reckitt Benckiser has also considered the AANA Code for Advertising and Marketing Communications to Children and considers that the Advertisement complies with this code in all relevant aspects.

As with all our advertising, ensuring that we comply with community standards in relation to health and safety is very important to us and accordingly, Reckitt Benckiser takes complaints of this nature very seriously. We have considered our obligations under section 2.6 of the Code of Ethics in the context of the complaint and submit that the Advertisement complies in all respects with the letter and spirit of section 2.6.

The complaint is founded upon the complainant's allegation that the Advertisement is targeted at children. As the complainant acknowledges, the Products are targeted at adults and this dictated the placement of the Advertisement in adult print media. The Advertisement which gave rise to the complaint was found in the Australian Woman's Weekly magazine. In addition to the Australian Woman's Weekly magazine, the Advertisement was also placed in Woman's Day, New Idea, Take 5 and That's Life magazines. With respect, it is a considerable stretch of the imagination to consider any of these publications to be targeted at children.

To confirm the target audience of these publications, we requested demographic data from Roy Morgan. We were informed that Roy Morgan does not capture data on readers under 14 for these publications. Looking at the data that is captured, the age profile of the readers of these magazines is clearly skewed towards an older demographic, with approximately 50% of the readers for all these titles over 50 years of age. Readership diminishes as age decreases. From this we are comfortable that the sub-14 year old readership of these magazines is so small as to be insignificant.

We note that this is consistent with the Board's view as evidenced in its determination in Case Number 0157/11 (where the Board held that the Australian Women's Weekly magazine was a publication directed at adults not children).

We dispute that any child exposed to the Advertisement (which we strongly submit is unlikely) would view the image as a suggestion to eat a piece of bread covered in pins. Even a child would be aware that a pin is sharp and it is therefore not something a child would willingly choose to play with, let alone put in their mouth. We would suggest it a far more plausible scenario that, in the unlikely event of a child viewing the Advertisement who was capable of making themselves a sandwich, such a child would be more likely to make him or herself a sandwich with hundreds and thousands than one with pins, no matter how brightly coloured. In relation to section 2.6 of the Ethics Code, the definition of “Prevailing Community Standards” is “the community standards determined by the Advertising Standards Board as those prevailing at the relevant time, and based on research carried out on behalf of the Advertising Standards Board as it sees fit, in relation to Advertising or Marketing Communications”. In this regard, Reckitt Benckiser submits that the Advertisement is entirely in line with the community standards and expectations that would reasonably apply to a communication in publications of this nature. Considering the readership of the magazines in which the Advertisement appeared is well placed to understand the message that is being conveyed by the Advertisement, we are confident that the Advertisement does not breach any community standard in relation to health and safety. As the Advertisement was not directed to children, was not placed in media targeted at children and does not breach the community standards that would reasonably apply to communications in publications in which the Advertisement appeared, we strongly urge the Board to dismiss the complaint in its entirety.

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 advertisement that the advertisement could encourage children to use pins when making fairy bread.

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 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement features a slice of what appears to be fairy bread but instead of hundreds and thousands the bread is covered in dressmaker pins and the tagline says that swallowing doesn’t have to feel like this.

The Board noted that the advertisement was seen in the Australian Women’s Weekly magazine and that it had previously determined (case 0157/11) that this magazine is targeted towards women and is not of appeal to children.

The Board noted the intended adult audience of the magazine and considered that even if the advertisement were to be viewed by children and they saw that pins had been used it is unlikely that they would try to copy the fairy bread as presented. The Board considered that the advertisement does not encourage members of the community to use pins to make fairy bread and does not depict material contrary to prevailing community standards on health and safety.

Based on the above, 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.