



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0295/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Australia Gas and Solar</b>
<b>3</b>	<b>Product</b>	<b>House goods/services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/08/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

A cartoon of a woman saying this house is freezing followed by photos of adults and children next to various types of gas heaters. Two of the photos show young babies sat next to and touching gas heaters.

### THE COMPLAINT

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

*Two images of a baby touching a different gas heater in each.*

- 1. To leave a baby unattended near any form of heating is highly irresponsible*
- 2. For a baby to be touching a heater depicts an extremely dangerous act. For the baby to be smiling while doing this is ridiculous.*
- 3. For a baby to be anywhere near an unflued gas heater is detrimental to a baby's health I believe this advertisement depicts particular images which portray health and safety issues that go far beyond acceptable.*

### THE ADVERTISER'S RESPONSE

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

*Image 1 of child touching charcoal heater. Heater is a Paloma PJC-25R  
Front of heater does not become hot. No naked flame. Child lock Function prevents  
accidental operation as well as children operating controls. Low emission technology -  
Paloma portable heaters use the latest burner technology to give you less than half the  
emissions of the Australian Standards*

*Image 2 of child touching front of heater. Image depicted is a Rinnai Energy Saver 309.  
This is a flued heater. The front of the heater does not become hot. Hidden flame. Child Lock  
Unit is flued to the outside. Air is drawn from the outside and gas emissions are expelled  
outside through the flue. There are no emissions expelled into the room where the child is.  
These are approved to go into bedrooms.*

*Australian standards deem these heaters are suitable for use with children.*

*No Naked flames, front panel does not become hot, child lock, flame failure and a tilt switch  
so that if a child pushes it or falls on it, the heater automatically goes out.*

*The Government of NSW deems that these heaters are safe to use in a living area where  
children are crawling around. This was depicted in the advertisement.*

*It is the responsibility of every parent to supervise their child when any appliance is  
concerned. Any object used in a home can become a health and safety issue if a parent does  
not supervise correctly. Children climb and fall, run and trip. Duty of care is always  
paramount.*

*As a former pre-school teacher of 20 years and a grandmother whose grandchild it is in the  
images I can assure you that I would not put in anything that was a risk to a child.*

## **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 depicts the unsafe practice of leaving a baby unattended next to, and touching, a gas heater.

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 that the advertisement features images of different styles of gas heaters and that two of these images feature a baby touching the heater. The Board noted the advertiser’s response that the heaters are safe to touch as they do not get hot, and this is their reason for showing the baby.

The Board noted that there is one reference to ‘safe and efficient heating’ in the advertisement and that the scenes featuring a baby do not show an adult present.

The Board considered that prevailing community standards on health and safety are such that leaving babies, or young children, unattended with a gas heater is not an appropriate practice. The Board considered that whilst the heaters in the advertisement may be safe to touch when in use, the Board noted that this fact is not made explicit in the advertisement.

The Board considered that the depiction of an unsupervised baby touching a gas heater was an image which is contrary to prevailing community standards on health and safety.

Based on the above, the Board determined that the advertisement did depict material contrary to prevailing community standards on health and safety and did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

I withdrew the advertisement on the day I received the initial advertisement and do not intend to use it again.