



Case Report

1	Case Number	0362/16
2	Advertiser	Mitsubishi Electric Australia
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/09/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The television commercial that was aired, which was the subject of the Complaint, was focusing on the refrigerator and how the mother interacts and benefits from using the refrigerator for her daily requirements. The commercial was created on a testimonial based on the natural use within her kitchen setting.

THE COMPLAINT

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

There is a red child's 'Bumbo' seat with a child in it placed on the bench. Bumbo seats are only to be used on the floor - this is specifically stated on the seat itself. There have been incidents of children falling out of Bumbo seats from heights, causing injury.

THE ADVERTISER'S RESPONSE

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

The television commercial that was aired, which was the subject of the Complaint, was focusing on the refrigerator and how the mother interacts and benefits from using the refrigerator for her daily requirements. The commercial was created on a testimonial based on the natural use within her kitchen setting. We did not build/create the 'set', rather it was real life environment where the talent was happy for us to film. The Mitsubishi Electric commercial is in no way endorsing the use of 'Bumbo' seats or offering advice on its use. It was an unplaced prop within the scene that takes up less than 8% of a 15 second commercial, in other words 1.2 seconds of screen time.

The mother advised the producer that the 'Bumbo' seat was like a compact version of a highchair to keep her tiny baby secure in a supervised state.

As this complaint has brought to light concerns about the use of the 'Bumbo', MEAUST has withdrawn the said advertising from air on Tuesday 16 August 2016 with the commercials to be re-edited without the vision of the child in the 'Bumbo'.

We have also been in contact with the talent to advise them of the suggested usage of the product, which brought to light that she was given the 'Bumbo' as a hand-me-down without packaging or warning labels.

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 concerns that the advertisement features a young child sitting in a Bumbo seat on a kitchen bench which is unsafe behaviour and contrary to the seat's instructions.

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

The Board considered 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 this television advertisement features a mother in her kitchen showing how she uses her Mitsubishi refrigerator and in some scenes we can see a young baby in a Bumbo seat which has been placed on the kitchen bench.

The Board noted the advertiser's response that the advertisement was filmed in a real kitchen and the woman in the advertisement provided the Bumbo seat as it is what she uses for her baby.

The Board noted that the Bumbo seat is for children aged 3 months to 1 year old (www.bumbo.com.au). The Board noted the safety information provided on the product's website which provides, "All new Bumbo™ Baby Seats sold in Australia from 20 August

2012, will be delivered with a restraint belt to help prevent children from getting out or falling from the seat when it is used as intended: on the floor with adult supervision and never on raised surfaces.”

The Board noted the advertiser has modified the advertisement to remove all scenes featuring the baby in the Bumbo seat, and commended the advertiser’s actions in notifying the actor used in their advertisement to inform her of the safety information regarding the use of this seat.

The Board noted that as the Bumbo seat was used in the advertisement with a baby seated in it while it was placed unsupervised on a kitchen bench, which is unsafe and is contrary to the safety information relevant to its safe use, the Board considered that the advertisement does depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement 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.

THE ADVERTISER'S RESPONSE TO DETERMINATION

As already noted we have removed the advertisement and amended to remove the depiction of the child. I do not believe there is anything else required in this matter.

INDEPENDENT REVIEWER'S RECOMMENDATION

THE DETERMINATION ON REVIEW

ADVERTISER'S RESPONSE TO IR DETERMINATION

