



**ADVERTISING
STANDARDS
BOARD**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph: (02) 6173 1500 | Fax: (02) 6262 9833
www.adstandards.com.au

ACN 084 452 666

Case Report

1	Case Number	0371/15
2	Advertiser	Target Australia Pty Ltd
3	Product	Retail
4	Type of Advertisement / media	Mail
5	Date of Determination	23/09/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The hip flask referred to in the complaint shows a skull and cross bones, with the heading 'POISON' and the words "DRINK AT YOUR OWN RISK". A copy of the page from the Father's Day catalogue promotion, which ran from 2 September – 6 September.

THE COMPLAINT

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

*Depiction of skull and crossbones and poison label clearly displayed on a Beveridge product
Potential hazard to children seeing father drinking from product with clearly and identifiable poison label.*

THE ADVERTISER'S RESPONSE

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

We refer to your letter dated 3 September, regarding a complaint received in relation to a hip flask advertised in the Father's Day catalogue promotion recently conducted by Target

Australia Pty Ltd (Target).

This hip flask is one of a range of hip flasks sold by Target as part of the Father's Day catalogue, which have quirky photos or phrases on them. Attached are photos of all the hip flasks in this range.

Target submits that the advertisement does not fall within the definition of an "Advertising or Marketing Communication to Children" as set out in section 1 of the Children's Code. The advertisement is not primarily directed to children aged 14 years or younger and is not an advertisement for a product which is targeted toward or has principal appeal for children. The relevant sections of the Code you have asked Target to consider in our response provide as follows:

2.1 Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

2.4

Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

We respectfully submit that sections 2.1 – 2.5 (inclusive) do not apply to the advertisement of the hip flask in Target's Father's Day catalogue.

Section 2.6 provides that advertising should not depict material contrary to Prevailing Community Standards on health and safety. We do not consider that there are health and safety concerns attached to the advertisement. We consider the advertisement does not breach section 2.6 of the Code.

Nevertheless, Target has made a decision to remove the remaining stock on hand of the hip flask the subject of the complaint from the selling floor of its stores, and not to range this particular design of hip flask in the future. We trust this action is acceptable to the ASB. Target is committed to upholding the standards of the Code in its advertising and appreciates your review of our response to this complaint.

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 is displaying a product that is labelled as poison that might confuse children seeing adults drink from it.

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 the catalogue advertisement is promoting a range of products for Father’s Day and in particular depicts images of hip flasks. One of the images has a skull and cross bones and the word “Poison” written above and “drink at own risk” written below.

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 the complainant’s concerns regarding the confusing message to children regarding the consumption of poison.

The Board noted the advertisers response that the remaining product had been removed from stock on hand and that the design would not be available again. The Board noted that it is not within the scope of their role to comment on the legality or suitability of the product itself but only on the content of the advertisement and how the product is displayed in the marketing material that is the subject of complaint.

The Board noted that the image of skull and cross bones is one that it is widely recognised as meaning something where caution must be exercised and that many chemical bottles and packaging use this warning label to indicate that the content of the container would be harmful if consumed (either not in accordance with label directions or otherwise).

The Board noted that the use of the skull and cross bones in conjunction with the word Poison completed the warning and would likely be understood by children to reflect something that should not be consumed.

The Board considered that there is genuine community concern regarding the safe use of poison and/or chemicals in and around the home and that there are numerous community awareness campaigns around the need to keep chemicals out of the reach of children for safety reasons.

The Board considered that the depiction of a gift idea for Dad in a catalogue that would attract the attention of children, should not include a message that could be confusing and that the use of this image on a hip flask that is to contain a beverage product (usually alcohol) is a message that would confuse young children and that such a message could be interpreted as trivializing important warning labels. The Board considered that this was material that was contrary to Prevailing Community Standards on health and safety.

Based on the above, 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

I confirm that Target has already removed the hip flask, the subject of the Determination from its selling floors and will not range this particular design again in the future.