



Case Report

1	Case Number	0406/11
2	Advertiser	Harvey Norman
3	Product	Retail
4	Type of Advertisement / media	TV
5	Date of Determination	26/10/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Harvey Norman staff advertise a 4 day sales event for stores located in Fyshwick, Woden and Goulburn and in one scene a female member of staff pops up out of a chest freezer she has been apparently hiding in.

THE COMPLAINT

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

A woman emerges from a chest freezer which begins with its lid closed. It is inherently dangerous to be in a refrigerator/freezer with the door closed and I am concerned that this advert is a poor example for young children who are likely to copy this action.

THE ADVERTISER'S RESPONSE

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

Harvey Norman has received and reviewed the complaint raised to the Advertising Standards Bureau (ASB) in relation to the recent “Hardly Normal” 4 day sales event, advertised on television and including the following stores:

- *Woden*
- *Fyshwick*
- *Goulburn*

The complaint is in relation to the image of a sales person emerging from a chest freezer, around 7 seconds into the commercial. The complaint indicates that this depiction has the potential to be copied by children, which may cause harm to the child/children involved. Harvey Norman has reviewed the Australian Association of National Advertisers Code of Ethics and makes the following comments in relation to the advertisement:

Section 1

Harvey Norman does not believe that there has been any breach of Section 1 of the Code of Ethics.

Section 2

Section 2.1 – Harvey Norman does not believe that there has been any breach of Section 2.1 of the Code of Ethics.

Section 2.2 - Harvey Norman does not believe that there has been any breach of Section 2.2 of the Code of Ethics.

Section 2.3 - Harvey Norman does not believe that there has been any breach of Section 2.3 of the Code of Ethics.

Section 2.4 - Harvey Norman does not believe that there has been any breach of Section 2.4 of the Code of Ethics.

Section 2.5 - Harvey Norman does not believe that there has been any breach of Section 2.5 of the Code of Ethics.

Section 2.6 – Harvey Norman accepts that the concerns raised by the complaint are likely to be in relation to Section 2.6 of the Code of Ethics.

Section 2.7 – This advertisement is not in relation to a motor vehicle and as such, Section 2.7 does not apply.

Section 2.8 - This advertisement is not in relation to a food or beverages and as such, Section 2.8 does not apply.

Harvey Norman’s Comments in relation to Section 2.6

Upon review of the ad, the depiction of a person emerging from a chest freezer is not an appropriate way to promote products within the store. Throughout the rest of the ad we have used a variety of techniques to get our sales message across without crossing any of the principles outlined in the Code of Ethics and we accept that a more responsible approach needs to be taken to the promotion of our business.

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 a woman in a freezer which is dangerous and sets a poor example to children.

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 Harvey Norman staff advertising a sale and in one scene we see a female staff member emerging from a chest freezer.

The Board noted that there have been instances where children have become trapped in freezers or other white goods and considered that the depiction of a woman in a freezer in the advertisement was a depiction which is contrary to community standards on health and safety. The Board noted that safety around electrical appliances is an important public safety issue and that the advertiser had noted that it was not appropriate to show this in the advertisement.

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 the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

Harvey Norman understands and accepts the decision of the Advertising Standards Bureau to uphold the complaint made in relation to the ‘Hardly Normal 4 Day Sales Event’ television commercial.

Since this advertisement related to a specific event, the advertisement has been removed from the television. Accordingly, we advise that we have no intention to use the advertisement again.