



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0410/11</b>
<b>2</b>	<b>Advertiser</b>	<b>S C Johnson &amp; Son Pty Ltd</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>9/11/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Two magpies are watching a man reading his newspaper in his back yard. One of the magpies flies round and rings the front doorbell and as the man goes inside to answer the door the other magpie flies down and closes the patio door.

The man opens the door and there is no-one there so he goes back inside and walks straight in to the closed patio door whilst the magpies watch and laugh at his misfortune.

The voice over says, "Windex. It's so powerful it starts to work even before you wipe. Leaving you with an unbeatable streak free shine."

### THE COMPLAINT

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

*It appeared on television quite some time ago but has just recently reappeared. I thought it may have been banned. The ad pictures a man on his patio, two magpies sitting on a tree above. One says 'watch this' and rings the front door bell. While the man is answering the bell they slide the glass door to the patio shut. When he returns he smashes into the glass door.*

*Many people have been badly injured or even killed in this type of situation. There was a boy killed at Ivanhoe Grammar School here in Melbourne several years ago. I believe there are now laws that this type of glass door has to have some sort of strip placed on it so people are aware that it is shut.*

*I also think that it is a very poor example for children as it is definitely not funny.  
I have seen the ad here in Melbourne on Channel 9 both at lunch time and between 4 30 and  
6.00 pm. in the evening.  
I would be very pleased to have your comments.*

## **THE ADVERTISER'S RESPONSE**

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

*In response to the complaint regarding the Windex advertisement we wish to make the following response that addresses Section 2 of the AANA Code of Ethics:*

*We have not engaged in discrimination or vilification as per requirement 2.1.*

*There is no violence portrayed in the advertisement as required by 2.2. There is humour depicted in that the male has a minor accident by walking into the door that has been set as a trap. The perpetrators of this trap are birds, not people. The advertisement is therefore clearly meant to be situational, not real, and designed to highlight the cleaning power of Windex.*

*There is no breach of sections 2.3, 2.4 or 2.5.*

*There is no breach of 2.6. Note that SCJ does not endorse the use of glass panels that do not conform to the Australian Glazing Standard in the advertisement. We believe that the advertisement is clearly promoting the cleaning power of Windex, not the use of glass panels that do not conform to the Australian Glazing Standard.*

*There is no breach of sections 2.7 or 2.8.*

*We reject the proposal by the complainant that this encourages breaking of the law through the use of glass doors that do not meet the Australian Standard. Indeed the advertisement would not work if glass doors that met the Australian Standard were used.*

*We also reject the proposal that this is a poor example to children. We believe the advertisement conveys, through appropriate use of situational humour, the cleaning power of Windex on glass surfaces. Note again that glass doors that comply to the Australian Standard (which are the responsibility of the home owner and can reasonably be expected to be present in a normal home) prevent the situation being shown in the advertisement from happening.*

*Finally the advertisement has been on-air at various stages since October 2008. The product itself (Windex Glass) has been on the market for a considerably longer period and is the leading window cleaner. We have had only one complaint regarding this advertisement in this entire period (see below Appendix 2), and no recorded complaints or incidents regarding Windex causing an accident of the type described by the complainant.*

## **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 depicts an activity which can cause serious injury or death and that it sets a bad 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 that the advertisement shows two magpies tricking a man in to walking in to his closed patio door. The Board considered that the overall theme of the advertisement – two magpies talking, ringing a doorbell and closing a patio door – is clearly unrealistic.

The Board noted that after the man has walked in to the patio door he falls to the ground but that we then see him cleaning the glass to remove the mark he made.

The Board noted that walking in to doors can cause serious injury and that modern doors are engineered to minimise injury from such accidents. The Board noted that when the man in the advertisement walks in to the glass door he springs off it and falls to the floor, clearly unhurt, in a manner which highlights further the fictitious nature and humour of the advertisement.

The Board considered that most members of the community would find the advertisement humorous and that given the clearly fictitious nature of the advertisement it is not encouraging viewers to copy any of the actions in the advertisement.

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.