



Case Report

1	Case Number	0411/15
2	Advertiser	Emerson
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	28/10/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a woman demonstrating how the Insinkerator works by putting various food in to her sink. The woman's hand is shown pushing the food down in to the hole leading to the Insinkerator. The final screen shot shows a close up image of an Insinkerator plug hole and the Emerson branding.

THE COMPLAINT

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

This is extremely dangerous as it gives children and uneducated adults the impression that this is a safe thing to do. Read all insinkerator manuals, they say NEVER push waste into it with your fingers as you risk having your fingers chopped to bits. Please get onto this ASAP

Sorry as a chef I've seen what these things can do to people. But my real concern is for any children that use this and put their small hands in such a device. Please stop this ad it really bothers me to see how stupid this ad or company could be. Thank you for reading my concern.

THE ADVERTISER'S RESPONSE

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

Saves Water Claim

1. *No water saving claim is ever made. We simply communicate the amount of water required to run the appliance. The precise words used within the commercial are “It’s better for the environment, requiring just 1% of the average household’s water usage and it reduces household waste going to landfill which is a win for the planet.”*
2. *The 1% of household water can be fully substantiated*

Dangerous Claim

1. *A food waste disposer grinds food without the use of blades or knives. Instead lugs on a spinning plate break down food like a hammer effect and through centrifugal force continually push the food against a stationary grind ring. Once small enough, food is flushed through the sewerage system to a wastewater treatment plant.*
2. *The images (attached) show the lugs on the spinning plate that break down the food – there are no blades.*
3. *Many appliances can be dangerous if used incorrectly example of this would be a child putting their hand into a working toaster.*
4. *These products have been selling worldwide for over 75 years and we have heard of no incidence of injury.*

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 an adult putting food scraps into an Insinkerator and inserting her hand into the unit which is dangerous and an unsafe message.

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 woman demonstrating how the Insinkerator works by putting various food in to her sink. The woman is first shown scraping food stuff from a plate using a fork. The woman is then shown using her hand and fingers to push the food down in to the hole leading to the Insinkerator. The final screen shot shows a close up image of an Insinkerator plug hole and the Emerson branding.

The Board noted the advertiser’s response that the product functions without the use of blades or knives and that they have not received any notification of injury in the many years the product has been sold.

The Board noted the complainants concerns that in general most Insinkerator manuals warn

against pushing waste into the unit with your hand. The Board noted that it did not have access to the particular manual for this specific model. The Board acknowledged that an example of information regarding Insinkerator operation for the Evolution Cover Control model on the www.insinkerator.com website did include a warning in the safety instructions that states: “do not put fingers or hands into a waste disposer.”

The Board noted that from an operating perspective, it would not be apparent what model of waste disposal was installed in any one sink and that because of this, care should be taken with all models to ensure the safe operation when in use.

The Board noted that this type of unit operates at high speed and that it would be reasonable to expect that it is a high risk appliance and that promotion of the product should provide clear warning and safety instructions.

The Board noted that advertisers should take care not to show images which encourage unsafe practice and in relation to household appliances and general safety in the home, should be very clear in the message they are trying to convey.

The Board noted that the advertisement was seen on Pay TV and therefore could be viewed by a broad audience which would include children. The Board considered that although the advertiser advised that the particular model is safe, the image of the woman pushing food scraps into the unit by using her fingers has the potential to convey a message that such a practice is safe and that the action may be copied by a child or another adult.

The Board considered that overall that the advertisement in attempting to convey a message about the safe operation of the waste disposal unit provided a depiction of a potentially unsafe practice of placing your hand in an Insinkerator and this was a depiction that was contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did depict material which would be in breach of Section 2.6 of the Code.

Finding that the advertisement did breach the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

We refer to the Advertising Standards Board (Board) determination dated 29 October 2015 in respect of complaint with case number 0411/15 (Determination) and thank the Board for the opportunity to respond to the Determination.

InSinkErator wishes to take this opportunity to confirm its commitment to uphold the relevant codes for advertising, in particular the AANA Code of Ethics.

InSinkErator notes the Board's comments in regards to the warning messages on the InSinkErator website that state “Do not put fingers or hands into a waster disposer”, and that the Board considered that overall the advertisement in attempting to convey a message about the safe operation of the waste disposal unit did provide a depiction of a potentially unsafe practice.

Measures taken by InSinkErator

InSinkErator wishes to take this opportunity to inform the Board that the product model portrayed and promoted in the Advertisements does not contain any teeth, blades or sharp objects, nor does it contain any such objects located near the point in which part (but not all) of the actor's fingers enter the top of the waste disposal unit, and therefore placing fingers into this particular model in the manner depicted is not considered to be unsafe. Regardless, InSinkErator has modified the Advertisements so that there are no images of the woman pushing food scraps into the unit with her hands and/or fingers. We trust that the above modification is the only action which the Board requires InSinkErator to take in respect of this matter.