



Case Report

1	Case Number	0424/11
2	Advertiser	Dick Smith Electronics
3	Product	Retail
4	Type of Advertisement / media	Print
5	Date of Determination	9/11/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Dick Smith press ad featuring 2 iPods with the heading "Who blows your eardrums and not your budget".

THE COMPLAINT

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

Public health message of safe, responsible use of personal stereo equipment e.g. iPods has been flippantly disregarded in this ad. The intended message that it is acceptable to "blow your eardrums" and deemed cool is offensive and inappropriate.

Induced hearing loss via personal stereo use is the single leading PREVENTABLE cause of hearing loss around the world today. The throw-away line of "who blows your eardrums and not your budget?" is inappropriate and dismissive of the impacts upon individual lifestyle, personal health and the imposed cost burden on the Australian economy.

Strong, irrefutable evidence has been published regarding the side effects of preventable noise induced hearing loss.

Access Economics: Listen Hear! The economic impact and cost of hearing loss in Australia February 2006 highlights the financial impacts of hearing loss within the Australian context - \$11.75bn. Further support of the facts are published in the Australian Hearing Report 2008 - "Is Australian listening" state 1 in 4 Australians will have a hearing loss by 2050 increasingly young Australians aged 18 - 34 have symptoms of tinnitus hearing loss can-not be restored once damaged by noise exposure.

I request an immediate review of this ad, withdrawal of the ad from all platforms and a printed apology by Dick Smith executives along with an acknowledgment of health impacts of irresponsible personal stereo use.

THE ADVERTISER'S RESPONSE

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

As stated previously, Dick Smith takes its advertising obligations very seriously. It is Dick Smith's submission that the complaint should be dismissed and no further action taken in the matter for the reasons expressed below.

Dick Smith does not endorse or encourage any customer behaviour intended to cause customers any harm in the use of products sold.

Dick Smith staff are fully trained to promote and make customers aware of the correct use of any electronic product sold which compliments any manufacturer's in-box instructions as to the safe use of such products.

The advertisement should be considered in the context such as one of a series of "light hearted and cheeky" advertisements which has focused on Dick Smith as a destination shop with staff offering service, price and product knowledge.

It is Dick Smith's submission that the advertisement does not breach the Advertiser Code and the complaint should be dismissed.

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 encourages an activity which can cause serious and permanent damage and 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 images of an ipod touch for sale and includes the text "Who blows your eardrums and not your budget?...Dick does"

The Board noted that there is a genuine concern and community awareness about the safe use of audio equipment, particularly with the use of earphones.

The Board expressed concern that the message of the advertisement could be taken to be inconsistent with safety information. However the majority of the Board considered that the advertisement was a light hearted reference to the price of the product and not an endorsement of unsafe practice.

The Board considered however that the target audience for the type of product being sold would be young adults and teenagers who are responsible and capable for regulating the volume from their personal pieces of audio equipment. The Board considered that the intended nature of the advertisement was not necessarily to encourage buyers to play music dangerously loud.

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.