



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0428/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Lowes Menswear</b>
<b>3</b>	<b>Product</b>	<b>Clothing</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/10/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for Lowes Menswear selling clothes. The theme is 2 actors have the lights off to save electricity, but they save even more with great prices at Lowes.

## THE COMPLAINT

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

*At the start of the ad 1 of the men holds a candle in a dangerous manner, e.g. horizontally.*

## THE ADVERTISER'S RESPONSE

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

*We do not consider that the advert encourages any unsafe use of a candle that is being held responsibly by an adult. It is also clear that the candle is battery powered and has no flame, or that the advert is in breach of the AANA Code of Ethics, specifically section 2.6. This ad was cleared by CAD ahead of being played. Notwithstanding this, Lowes in no way advocates unsafe handling of candles. We note that this is the only complaint received with regard to this Advertisement. We trust this addresses the Complainant's concerns.*

## **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 shows a man holding a candle in a manner that is dangerous.

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 two ex footballers in a room with the lights off. One is holding a torch and the other is holding a candle. One man indicates he is saving money since the price rises. The lights are turned on and the men talk about the different offers on at Lowes.

The Board noted the complainant’s concern that the candle is being held at a dangerous angle.

The Board noted that the man starts with the candle in an upright position but as the lights are turned on the candle is held by his body in a horizontal position.

The Board considered that the inclusion of the candle is incidental to the advertisement and that the focus is on the two men and the offers being promoted.

The Board noted that the candle is clearly not a real candle and it is obvious that it is a battery operated candle. The Board noted the flame does not move and the manner in which the man holds the candle is supportive of the fact that the candle is actually fake.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on safe and responsible use of candles and naked flames and determined that the advertisement 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.

