



Case Report

1	Case Number	0439/12
2	Advertiser	Energy Australia
3	Product	House Goods Services
4	Type of Advertisement / media	TV
5	Date of Determination	14/11/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

A man walks to his kitchen during the night and opens his fridge. He opens it to get a drink and picks up a milk carton which he notices is empty. He looks into the fridge to find a man taking notes. The man in the fridge starts to speak and the other man shuts the door. As he continues to hear conversation, he opens up the fridge again and is handed a drumstick by the man in the fridge.

THE COMPLAINT

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

As an adult I see the humour of finding someone inside your fridge, however I am really concerned that a child would find this also funny and a good trick to play on Mum or Dad and the time slot of the advert early evening when children could be watching not understanding what is being said just the surprise for the man opening the door etc., my worry is that a child could follow this "joke" and lock themselves inside a fridge, I find this advert irresponsible, and am concerned that a child may do this.

My husband and myself both object, because, a child could put their sister or brother in the fridge and close the door and then the child would die. This is one of the worse ads I have seen for a long time. We are elderly and don't think we need to put small children at risk.

THE ADVERTISER'S RESPONSE

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

The EnergyAustralia TVC "Fridge" is one TV spot in a series of 8 executions that was developed to support our overall strategy of helping everyday Australians with their energy needs. The creative idea depicts EnergyAustralia employees in customers' homes observing their energy usage. The idea was to ensure that the employees were not intrusive and are there when customers were doing something energy related, i.e. turning on the light, using a hair drying, watching TV, opening a fridge. The message was to let customers know that we (EnergyAustralia) are helping them monitor their energy consumption and providing efficient energy solutions.

In the Fridge scenarios (running across TV, cinema, press, direct mail envelope and online), an EnergyAustralia employee is depicted in a refrigerator and offers advice to our customer on how to save energy. We know from research that household appliances such as a fridge is considered high on the energy consumption list.

When developing the execution in question (and others), the safety of customers, including children, was considered. All TVCs, along with the Fridge execution was submitted to Commercials Advice and received a W classification, The flighting of the TV ad was closely monitored to ensure it didn't air during programs that aren't aimed at children.

Market research was also conducted on the execution to determine whether there was any message take out related to safety concerns (research attached). The results showed that unprompted, there was virtually no comment about safety (less than 2%) indicating to us that there was and is no issue despite the complaints.

However, in light of the complaints, we made a decision to change the flighting of the TVC to ensure it was only scheduled to run in programs after 8.30pm and to be screened at cinemas during films that are rated MA15 or above. The ad is only scheduled to run for another week, concluding on the 2nd December 2012.

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 a man in a fridge which is unsafe and could be copied by children.

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 the advertisement features an Energy Australia employee hiding in a fridge and offering energy advice to the owner of the fridge, who at one point closes the door on him.

The Board noted that there have been instances where children have become trapped in white goods and that it had previously upheld a complaint where a woman is shown to be hiding in a chest freezer (case reference 0406/11).

The Board noted that safety around electrical appliances is an important safety issue and considered that in this instance the portrayal of a man apparently hiding in a fridge and then being shown to be shut in the fridge is a portrayal which is contrary to Prevailing Community Standards on health and safety.

Based on the above the Board considered that this advertisement did depict material contrary to prevailing community standards and did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

We have reviewed the responses received and the board's outcome from the Advertising Standards Bureau, relating to complaints received about our Fridge ads. We acknowledge the upheld response. The EnergyAustralia Fridge advertisements concluded as of Thursday 22nd November, 2012. In light of the board's upheld decision, these ads will not be aired again in their current state.