



## Case Report

1	Case Number	0448/12
2	Advertiser	Energy Australia
3	Product	House Goods Services
4	Type of Advertisement / media	Print
5	Date of Determination	28/11/2012
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

Print advertisement featuring a man holding open his fridge door and looking at another man who is sitting inside the fridge writing on a clipboard.

The text reads, "We'll help you find savings where you least expect....Energy Australia".

### THE COMPLAINT

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

*Showing a person hiding inside a fridge is grossly irresponsible. Children will see this ad and think that it is a good place to hide. It is against the law to leave a fridge on the footpath with a door on it, so why promote anything that might encourage small children to sit inside a fridge?*

*This photo could well encourage a child or children to copy this very dangerous act which could result in suffocation.*

*It is illegal to place an out of use refrigerator anywhere a child might play, without removing the door, here in Queensland. The fine is \$500, but this is a matter of child safety first and foremost.*

## **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.

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 this print advertisement features a man holding open the door of his fridge and looking at the Energy Australia employee who is sitting inside the fridge.

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 also noted that it had recently upheld the television and internet advertisements which form part of this current Energy Australia campaign (case references 0339/12 and 0340/12) as well as the mail advertisement which features the same image as this print advertisement (case reference 0441/12).

The Board noted that safety around electrical appliances is an important safety issue and considered that in this instance the portrayal of a man sitting inside a fridge is a portrayal which is contrary to Prevailing Community Standards on health and safety.

Based on the above, and consistent with its previous determinations, 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.