



Case Report

1	Case Number	0458/17
2	Advertiser	Crayola
3	Product	Toys and Games
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/10/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

Crayola Silly Scents commercial showcases a range of scented marker and crayon products. Children are seen in a classroom. As the children smell the markers, food items appear from their noses including watermelon, fairy floss and popcorn.

THE COMPLAINT

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

Now I don't know if any of you have little kids but they don't need much arm twisting to try something like sticking things in their ears and up their noses or in their bums then to add sniffing the fumes off felt pens? C'mon man!! Gees! Do I actually need to spell it out? Think about it! I'm a pretty liberal person but wholly gee bus this just isn't cricket! Seriously do something about it will you and get that crap off kids tv!

A child shoots popcorn out of his nose which another child catches in his mouth to eat. This is not only disgusting & teaches children poor hygiene, as a parent of a toddler who has seen this ad I'm concerned he would put popcorn up his nose so he could copy the child in the ad. That is downright dangerous. I'd be interested to know if other complaints have been lodged or other parents think the same in relation to this ad.

I am concerned that young kids may imitate this and try to poke things up their nose.

Standard markers are not safe for anyone to sniff. Its dangerous to assume that children will only sniff this brand. Its not only the advert that is irresponsible, the product itself requires some re thinking.

A child can choke from putting an item up their nose. It is the most irresponsible children's advertisement I have ever viewed. This company promotes itself as child educators and are educating children place a foreign object up their nasal passage. A foreign object in the nose can risk nasal passage damage, infections and possible choking – pathetic. They should be forced to withdraw the advertisement and put to air an apology that comes with a graphic warning of what this dangerous practice can result in

THE ADVERTISER'S RESPONSE

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

This letter is in response to your concerns regarding our Crayola Silly Scents television commercial that was recently aired. We are very disheartened to hear that consumers have taken offence to our TVC. As this TVC had official CAD approval before going to air.

In response to the complaints:

Complaints Received on 2/10/2017 and 23/09/2017 When you view the ad, you will observe children 'smelling' crayons and markers from a distance, not 'up their noses' as stipulated in the complaint. Also, the scents appearing to come of out of their nose are clearly special effects, and do not depict a child placing these objects in their nose. The objects are special effects 'coming out' of their noses, as a result of smelling the product. The complaint in regard to a child catching the popcorn in their mouth. In hindsight, we can see how this may have offended a few, but the intent was to just add a bit of humour.

Complaint Received: 26/09/2017 The range of products that have been advertised are completely safe and non-toxic and pass all required safety standards. The ad also contains a disclaimer/super that stipulates: 'Crayola Silly Scents products are safe and non-toxic. Other markers may not be safe to sniff'. The complaint about us being irresponsible is an unfair statement, considering we have highlighted that other markers in the market may not be safe to sniff. Unfortunately, we cannot make the claim that other markers in general are not safe as we could be legally challenged on this, due to there being other non-toxic children's markers available in the market.

Complaint 28/09/2017 We do not in any way endorse children placing objects up their nose or encourage that behavior. The ad encompasses visual special effects around scented product...and creating a story of smells that are true to the senses. Crayola scented products have been sold for more than a decade with positive results and comments from consumers and educators. All of our products are nontoxic and while children may frequently smell them, the fragrances will not cause any ill effects. We have received numerous contacts from teachers of sight-impaired children who have thanked us for producing art products with

identifiable scents so that children can, without a visual color cue, remember which markers to use for their creative experiences. In addition, we are not aware of any scientific studies showing a link between the use of pleasant aromas as teaching aids and encouraging solvent-based marker sniffing or 'huffing' behaviors among children. Having said the above and having provided responses to the specific complaints we await your consideration and direction.

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 features images of children sniffing the product which is dangerous and likely to encourage children to copy the behaviour.

The Board viewed the advertisement and noted that 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 the advertisement features children in a classroom drawing and colouring with the product – Crayola Silly Scents. Some of the children sniff the markers and large food items appear from their noses such as a watermelon, Fairy floss and popcorn. A disclaimer appears on the screen that reads “Crayola silly scents products are non-toxic. May not be safe to sniff other markers.” The final scene shows the range of products available.

The Board noted that the children are shown to sniff the markers and are not seen putting any objects up into their nose. The Board noted that the item relevant to the scent of the marker is then portrayed via CGI to come out of their nose.

The Board noted that the size of the objects coming from the children’s noses are oversized. The Board considered that most members of the community would recognise the exaggerated and fantastical nature of the advertisement.

The Board noted that placing things into a child’s nose is not recommended and acknowledged that in addition to the safety concerns there are hygiene concerns as well. The Board noted however, that this issue of social acceptability is not a matter that is within the Code and therefore cannot be considered by the Board.

The Board noted, the advertiser’s response that the products are nontoxic and that there is an on screen disclaimer indicating this. The Board noted that the concept of the smelly markers is suggesting that the markers should be ‘sniffed.’

In the Board’s view the advertisement did not encourage or condone sticking items into children’s noses and does 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.