



## Case Report

1	Case Number	0508/16
2	Advertiser	Favworld
3	Product	Toys and Games
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	07/12/2016
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

This Facebook advertisement has two versions, both versions feature a newborn baby in an elephant onesie sleeping on a soft elephant toy.

The first version includes the text "Is your baby crying all night long? Make the little tears stop with our best seller elephant pillow which can be yours at 70% off + free shipping...but only for this week!! Hurry, Grab yours and give your baby a great sleep!"

The second version includes the text "Attention moms/dads, elephant pillow 70% off! Supplies are limited, share with a mom/dad who would love this!".

### THE COMPLAINT

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

*I've seen this advert 5 times and just find it irresponsible to advertise something that is a known SIDS risk. Babies have died. They should not market this stuffed toy for babies to sleep on it is dangerous!! I have taken a screenshot of the advert.*

### THE ADVERTISER'S RESPONSE

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

*Advertiser has not provided a response.*

## **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 is irresponsible and shows behaviour that is a SIDS risk.

The Board viewed the advertisement and noted the advertiser did not respond.

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 Facebook advertisement features an image of a baby sleeping on an elephant-shaped pillow with the caption ‘Is your baby crying all night long? Make the little tears stop with our best seller elephant pillow which can be yours at 70% off + free shipping...but only for this week. Hurry, grab yours and give your baby a great sleep.’

The Board noted the wording of the advertisement, in particular the phrase ‘all night long’ and considered that this was suggesting the toy was safe to be placed in a cot with a baby at night.

The Board considered that the image and the text together were highly suggestive of this being a safe toy to leave a baby alone with when sleeping.

The Board noted advice from Red Nose Australia on safe sleeping guidelines ([https://rednose.com.au/downloads/Safe\\_Sleeping\\_Brochure.pdf](https://rednose.com.au/downloads/Safe_Sleeping_Brochure.pdf)) include:

- Sleep baby on back
- Keep head and face uncovered
- Safe sleeping environment night and day. (No soft surfaces or bulky bedding, e.g. pillow, cot bumper, lambs wool, soft toy, doona)
- Sleep baby in safe cot in parents’ room

The Board considered that infant cot safety was an important issue in Australia and that community standards in this area are clear.

The Board considered that the suggestion in this advertisement that this was an appropriate toy to leave with a sleeping infant is in contrast to prevailing community standards around health and safety.

The Board determined that the advertisement breached Section 2.6 of the Code.

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

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Favworld confirms that this advertisement will not run again and the current version has been modified to address the safety concerns.