



ADVERTISING  
STANDARDS  
BOARD

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## Case Report

1	Case Number	0590/17
2	Advertiser	Vistaprint
3	Product	Other
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	24/01/2018
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

The Television Advertisement depicts children playing around palm trees, a couple on a camping holiday and a group of people sending lanterns into the night sky to promote photo book printing.

### THE COMPLAINT

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

*MAJOR Health and Safety issue.*

*The ad Contains an (albeit beautiful) shot of Japanese paper lanterns taking off into the sky. These lanterns are made of paper, given lift by hot air heated by a NAKED FLAME. Once launched, they are simply blown by the wind and can land ANYWHERE.*

*As we are Coming into peak 'Australian Bushfire Season.' Broadcasting the perfect method to aerially distribute a naked flame into potentially tinder dry bush or property is beyond foolhardy - and a major potential hazard to Australian lives and property.*

*PS: absolutely no complaint against the rest of the ad or against Vistaprint. A great company. (Simply Switch for a library video Shot of people dancing coloured light bulbs at night. All good.*

### THE ADVERTISER'S RESPONSE

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

*Vistaprint takes complaints about our advertising seriously, particularly where, as in the present case, the complaint suggests our advertising raises issues of health and safety.*

*We do not agree that there are any health or safety concerns raised by the Advertisement. Accordingly, we deny that Vistaprint has breached the AANA Advertiser Code of Ethics (Code), including in particular section 2.6. The Advertisement complies with the Code.*

*For the reasons set out below, we submit that the complaint should be dismissed.*

*Notwithstanding the above, Vistaprint has decided to withdraw the Advertisement. The video footage of the lanterns floating into the sky (commencing 8 seconds into the Advertisement and finishing 11 seconds into the Advertisement) is not an integral part of the Advertisement, and will be removed to avoid any possible concern. The Advertisement in the form complained of will not be broadcast or screened again.*

*We note that the image of the scene that appears in the photobook itself for a fraction of a second (around 15 seconds into the Advertisement) will not be removed, although it is barely even noticeable at normal speed.*

*In the circumstances of the Advertisement being withdrawn, we understand that a determination of the complaint is not required to be made by the Board. However, Vistaprint nonetheless outlines below why we consider that the Advertisement does not breach the Code.*

*Vistaprint submits that the Advertisement does not contain any form of discriminatory, exploitative, degrading, violent, sexual or obscene material in breach of the Code. The sole issue raised by the complaint instead to an alleged breach of the Code's health and safety standards.*

*Section 2.6 of the Code provides "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety". The term "Prevailing Community Standards" is defined in the Code to mean "the community standards determined by the Advertising Standards Board as those prevailing at the relevant time in relation to Advertising or Marketing Communications".*

*Vistaprint submits the Advertisement does not breach Section 2.6 of the Code for the following reasons:*

*(a) The sole purpose of the Advertisement is to promote our photobooks and business generally.*

*(b) The depicted lanterns are not the focus of the Advertisement and are clearly shown only for visual effect without context. The length of the relevant scene is only around four seconds.*

*(c) The Advertisement does not promote the purchase or use of such lanterns in any way, nor is the short scene likely to encourage such use.*

(d) *We do not consider there to be an immediate health and safety issues - at no point is anyone or anything in the Advertisement at risk of being burnt or hurt by the lanterns.*

(e) *There is no suggestion that the lanterns are being used in Australia - the footage of the lanterns is captured in a book of "summer holiday" images, the inference being that this is something that a person has seen while travelling during their holidays.*

*For these reasons, we submit that the Advertisement does not contravene the Code.*

## **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 concern that the advertisement shows a dangerous activity which is against prevailing community standards on health and safety.

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 a variety of people doing a variety of activities that appear as moving images, then later displayed as snapshots in an example of the advertised product. One of the "moving" images is that of paper lanterns with flames underneath the lanterns being released into the night sky by a group of people.

The Board noted the advertiser's response "that the footage of the lanterns floating into the sky was not an integral part of the Advertisement, and would be removed to avoid any possible concern".

The Board noted the part of the advertisement which shows the release of the lanterns into the sky appears to be an organised event. The Board agreed that throwing a naked flame, particular in a domestic summer climate is not behaviour that would be encouraged or condoned and would be unsafe. However the Board considered noted that the action of releasing the lanterns into the sky appears to have been done in a controlled manner and the lanterns remains upright at all times and the Board considered that the advertisement was depicting a scene that was unlikely to be able to be copied. The Board considered that the depiction of lanterns with naked flames being released appears to be in a controlled environment and is not condoning such behaviour generally.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety 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.