



## **CASE REPORT**

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|-------------------------------|---------------------------------------------------------------|
| 1. Complaint reference number | 146/01                                                        |
| 2. Advertiser                 | ICN Pharmaceuticals Australasia Pty Ltd (Nyal Cough Medicine) |
| 3. Product                    | Health Products                                               |
| 4. Type of advertisement      | TV                                                            |
| 5. Nature of complaint        | Health and safety – section 2.6                               |
| 6. Date of determination      | Tuesday, 12 June 2001                                         |
| 7. DETERMINATION              | Dismissed                                                     |

## **DESCRIPTION OF THE ADVERTISEMENT**

The television advertisement shows a young girl using an ice-cream cone to draw circles on a dining room window while her mother dispenses medicine to a coughing boy. After the mother leaves the boy long enough to replace the ice-cream cone with a washing cloth, which is seen to be removing the ice-cream as the young girl continues circular motions with it, a voiceover announces ‘These gentle yet effective solutions were brought to you by Nyal’s gentle yet effective range of cough and cold medicines.’

## **THE COMPLAINT**

Comments which the complainants made regarding this advertisement included the following:

*‘The mother gives her coughing son a dose of the medicine then sees her daughter painting the window with her ice-cream and goes to sort it out. When she returns to her now not coughing son, you see that she did not put the safety cap on the medicine before leaving it unattended. In that short period of time we all know a child could finish the whole bottle off. Not good.’*

*‘The advertisement shows carelessness on the part of the mother in handling dangerous liquids in the vicinity of a child and lack of judgement on the part of the company selling the product to allow this message to go to air.’*

## **THE DETERMINATION**

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (‘the Code’).

Noting a response from the advertiser advising that the company ‘will review how the product is dispensed in any future commercials where a similar scenario is portrayed,’ the Board determined that the advertisement did not contravene the health & safety provisions of the Code and did not breach the Code on any other grounds. Accordingly, the complaint was dismissed.