



## **CASE REPORT**

- |                               |                                 |
|-------------------------------|---------------------------------|
| 1. Complaint reference number | 327/04                          |
| 2. Advertiser                 | Blackbutt Hotel                 |
| 3. Product                    | Other                           |
| 4. Type of advertisement      | TV                              |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Tuesday, 8 February 2005        |
| 7. DETERMINATION              | Dismissed                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement features footage of two young adults smoking in a dedicated smoking area of the Blackbutt Hotel.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*“Its not so much that this ad is offensive, it is more that here you have two young people being told it’s ok to smoke, and to be shown during a movie that would have a large viewing audience of younger people is just irresponsible.”*

## **THE ADVERTISER’S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*“One of the purposes of the advertisement was to remind Hotel patrons of the fact that there are restrictions in Hotels on smoking, and that as well as non-smoking areas there are also smoking areas in my Hotel (as there are only a limited number of Hotels in the Newcastle area which have separate bar areas to allow both smokers and non-smokers).”*

## **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 that the smoking depicted was in a dedicated smoking area and that the hotel offered a smoke free area for patrons.

The Board found that the depiction did not contravene the provisions of the Code relating to health & safety.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.