



## CASE REPORT

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|-------------------------------|---------------------------------------|
| 1. Complaint reference number | 336/09                                |
| 2. Advertiser                 | Jungle Brolly                         |
| 3. Product                    | House goods/services                  |
| 4. Type of advertisement      | TV                                    |
| 5. Nature of complaint        | Health and safety – section 2.6       |
| 6. Date of determination      | Wednesday, 22 July 2009               |
| 7. DETERMINATION              | Upheld – not discontinued or modified |

## DESCRIPTION OF THE ADVERTISEMENT

Hand Shield rises into screen across sun, shows close up of label and person rubbing in Hand Shield. Then cuts to split screen of acid on silver foil, burning foil, and hands. The voiceover states that Hand Shield forms an invisible, odourless barrier preventing chemicals and irritants from coming in contact with the skin and protects for over 4 hours moisturizing the skin while allowing it to breath and heal naturally. Examples of Hand Shield use included woman gardening, mechanic under car, painter and woman washing dishes. Hand Shield available from all good pharmacies and health food stores - Money back guarantee "if it doesn't work for you" and Disclaimer: "Controlled demonstration. Time Lapse Video"

## THE COMPLAINT

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

*'No product could claim that it protects you from hydrochloric acid in this way. The acid would get under finger nails or into the quick of the finger causing severe pain and injury. Further it was shown at 4.44pm during a period that children would be watching, thereby creating a perception that if they grab dad's bottle of hydrochloric from the garage it is safe to pour it on themselves without injury.'*

*I am a paediatric nurse and I believe that if seen by children, some child may try this thinking it won't harm them, and they would subsequently be badly burnt.*

## THE ADVERTISER'S RESPONSE

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

*I have attached the advertisement in question as well as the detailed script for your reference. Please see our detailed response below*

### **CAD approval (WQCEVPHA) Rated W (General with Warning)**

*In other words can be placed in General programs that are aimed at older audiences. i.e. Afternoon News 4.30 to 5pm and Women's programs (afternoon All Saints).*

*In relation to complaint #1, I'm afraid he is misinformed. That is why we have gone into great lengths and spent exorbitant amount of money advertising and marketing the **AMAZING NATURAL** characteristics of HandShield. He is incorrect. HandShield, when applied to the hands will protect, moisturize and shield from harmful elements for more than 4 hours even with repeated washing with soap and water without reapplication. This is a breakthrough product*

*which is proudly being manufactured in Australia by an Australian company. 'Head in the sand' attitude would say nothing protects from HCL (Hydrochloric Acid) this is no different to someone in the 1960's saying no one will ever land on the moon. We would also argue that Hydrochloric Acid should not be kept within reach of children and locked away in a cupboard in the garage by responsible parents.*

*In relation to complaint #2, the same explanation applies. Responsible parents should lock away all hazardous substances. In fact most of our recent testimonials (as seen on our website – [www.junglebrolly.com.au](http://www.junglebrolly.com.au)) are raised by nurses whom have been using harmful cleaners that deteriorate the skin's pH balance. However, after using Handshield nurses can't believe the AMAZING protective as well as moisturizing characteristics of HandShield.*

*We have taken every careful regulatory endeavor to place the appropriate advertisements in the correct time slots to insure maximum compliance.*

*I was sitting with my children watching a famous magician thrust a sword down his throat on a family time slot a couple of weeks ago. Is this dangerous? Should it be shown on TV during popular viewing hours?*

*We are more than happy to comply with advertising and regulatory standards and hence the reason why we have taken extreme care to comply with all reasonable regulatory requests/standards. I am more than happy to answer any further question should you require.*

## **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 complainant's concern that this advertisement depicts unsafe behaviour and that this is particularly dangerous as children may view the advertisement.

The Board viewed the advertisement and noted that in the course of demonstrating the product the product is shown in conjunction with routine cleaning tasks around the home - cleaning an oven, painting and servicing a car. The Board noted that it had previously considered an advertisement for this product (440/07) and that in that advertisement:

"prior to demonstrating the efficacy of the product with the dangerous substances, both actors put on safety glasses, that safety gear should always be worn when working with chemicals, and it is clearly stated that this is not something that should be tried at home as it is extremely dangerous. The Board considered that these warnings, and the mostly laboratory conditions depicted for the tests, meant that the advertisement did not breach Section 2.6 of the Code by depicting material that is contrary to prevailing community standards on safety."

The Board noted that in this advertisement there are no safety measures shown, other than the hand pouring the acid wearing rubber gloves and a superimposed text 'controlled demonstration' after the acid is shown left on the hands.

The Board noted that the advertisement is likely to be shown during daytime television and that very young children may be able to view it. The Board considered however that the advertisement was not attractive to children and that they would be unlikely to take an interest in it. The Board also noted that dangerous chemicals and household products should be kept out of reach of young children.

The Board considered that this advertisement did depict material that is contrary to prevailing community standards on safe handling of dangerous chemicals - specifically, pouring acid onto hands - and that this is the case regardless of the efficacy of the product. The Board determined that the advertisement breached section 2.6 of the Code and upheld complaints.

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

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*To avoid any further confusion and any negative repercussion we have decided to pull the advertisement in question off the air and we will be producing a brand new one to take into*

*consideration all OH&S issues.*