



## **CASE REPORT**

1. Complaint reference number	388/06
2. Advertiser	Johnson & Johnson Pacific Pty Ltd (Baby Bedtime Bath Wash)
3. Product	Toiletries
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 10 October 2006
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement shows parents in various scenarios trying to get a baby to sleep. A male voiceover announces “In his pram. In your arms. But there’s another way to help baby get off to sleep. In the bath. Johnson’s Baby Bedtime Bath with Lavender Aroma. Now everyone can sleep ... like a baby.”

## **THE COMPLAINT**

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

*What cot is that? The gaps between the rails are too far apart – the baby’s head could go through and get stuck!*

## **THE ADVERTISER’S RESPONSE**

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

*As a company Johnson & Johnson is very committed to all safety aspects pertaining to babies, which is why all of our education materials are pre-approved by SIDS Foundation and are endorsed by the Australian College of Midwives before they are released for printing. In this instance we believe the angle of the camera may slightly misrepresent the actual distance between the bars on the cot.*

*It is important to note that we have not received any other complaints regarding the cot in this advertisement before and therefore deem the advertisement to be appropriate.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered the comments of the complainant and whether the advertisement contravened the section of the Code dealing with community standards of health and safety by portraying a cot that does not meet Australian Safety Standards.

The Board noted the advertiser’s response that its materials are pre-approved by the SIDS foundation. The Board viewed the advertisement and in particular the sequence showing the wide gaps between bars on the cot. The Board agreed that it was not in a position to judge whether the cot met Australian safety standards.

The Board considered whether, even if the cot did not meet Australian safety standards, the

advertisement might have increased the risk that parents would use such a cot after watching the advertisement, bearing in mind that consumers are unlikely to purchase such cots (since they are unlikely to be available under Australian safety standards). The Board concluded that such a risk was extremely low. Accordingly the Board determined that the advertisement was not in breach of the Code.

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