



CASE REPORT

1. Complaint reference number	408/06
2. Advertiser	National Australia Bank Ltd
3. Product	Finance/Investment
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 14 November 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement portrays a man in his garage fixing a bicycle, hearing the faint sound of spraying, and going around the side of the house to trace the origin. He finds his pregnant wife using a can of pink spray paint to outline a planned home extension by marking the house's weatherboard wall and the ground. Having surveyed her handiwork, they smile at each other, and a female voiceover announces "Making changes? Start by saving up to 0.7%pa on our standard variable rate for the life of your loan. With no monthly or annual fees. And no application fee for loans of \$200,000 or more. Call NAB today on 13 13 12. For the home you want".

THE COMPLAINT

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

This obviously pregnant woman is using spray paint without a respirator and not only putting her own health at risk, but that to her unborn child. After all we wouldn't allow a pregnant woman smoking or sniffing glue on TV.

THE ADVERTISER'S RESPONSE

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

The spray can used in the advertisement contained non-toxic, water-based chalk paint which does not pose a threat to pregnant women or their unborn children.

The advertisement takes place in the open air and does not show images of the pregnant woman depicted inhaling, or coming into direct contact, with aerosol fumes.

In light of the points raised above, NAB does not believe that this advertisement is remotely comparable to images of pregnant women "smoking or sniffing glue".

We also note that the use of the spray paint is minimal and merely intended to enhance the main message of the advertisement, namely a specific home loan opportunity, not an advertisement for paint or paint-related products.

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 advertisement in the light Section 2.6 dealing with the depiction of material contrary to prevailing community standards of health and safety.

The Board noted the pregnant woman standing next to the freshly painted wall with a spray can and considered whether this represented an action contrary to prevailing health and safety standards. The Board agreed that the woman was likely not to have inhaled any dangerous level of fumes since the painting was depicted taking place outdoors. The Board agreed that while it is advisable to use a respirator when using a spray paint can, not using a respirator when using a spray paint can is unlikely to cause harm if due care is taken outdoors.

On this basis, the Board determined that the advertisement did not depict material contrary to community health standards according to Section 2.6 of the Code.

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