

CASE REPORT

1. Complaint reference number	431/08
2. Advertiser	Johnson & Johnson Pacific Pty Ltd
3. Product	House goods/Services
4. Type of advertisement	Pay TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Wednesday, 12 November 2008
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Johnson & Johnson Pacific Ltd bath lotion opens on a scene with a woman and her baby. The advertisement shows the mother preparing her baby for a bath, bathing the baby, moisturising the baby after the bath and then placing the baby in a cot, ready for sleep. The voice over leads the viewers through the various steps in preparing the bath and bathing the baby. The advertisement ends showing two bottles of Johnson & Johnson baby lotion with the words "clinically proven" appearing on the screen.

THE COMPLAINT

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

My objection is in the layout of the cot. It contains clearly seen bumpers around the edges, to a depth of about 15cm. The guidelines from NSW Dept of Health and the SIDS for Kids organisation clearly state that babies should be placed in a cot or bassinet with no additional soft or fluffy items such as doonas, toys or bumpers. This advertisement gives misleading information to new parents who might be very interested in a product which helps to get a baby to sleep.

THE ADVERTISER'S RESPONSE

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

We wish to respond to the concerns raised by the complainant in relation to the baby's cot shown in the commercial.

This commercial was originally created for overseas markets, and the voice over was adapted for broadcast in Australia. The intent of the commercial is to focus on the Tresillian recommended three-step routine widely used to settle babies and toddlers.

We appreciate the complainant drawing to our attention the guidelines from the NSW Department of Health and the SIDS and Kids organisation, and the recommendation that bumpers not be used in cots.

Johnson & Johnson supports these guidelines and is committed to the demonstration of these guidelines to new parents through its advertising. For this reason, we have made the decision to cease the broadcast of this commercial effective immediately. The bumpers will be removed from the commercial before it is broadcast again.

Please be aware that this commercial was only ever broadcast on the Discovery Channel. It has not been broadcast on any other station. We also can confirm that no other current JOHNSON'S

baby advertising shows bumpers in a cot. Johnson & Johnson will ensure that all of our advertising demonstrates these guidelines to new parents.

Please be assured of our best intentions at all times. We trust that this complaint can now be closed.

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 whether the depiction of a baby sleeping in a cot with bumpers around the edges was a depiction of material that contravened prevailing community standards on health and safety. The Board noted Australia's "SIDS and Kids safe sleeping" brochure, which states "Ensure quilts, doonas, duvets, pillows and cot bumpers are not in the cot" and the Australian Competition and Consumer Commission's brochure, "Keeping baby safe - a guide to nursery furniture", which states "Some items such as cot bumpers, doonas, quilts and pillows may increase the risk of sudden infant death syndrome and sleeping accidents."

The Board noted the advertiser's comments that the advertisement was originally created for overseas markets, where different safety standards may apply. However, the Board noted that the appropriate standards to apply are Australian community standards. The Board considered that, by depicting cot bumpers, the advertisement contravened prevailing community standards in Australia on safe sleeping for infants.

The Board noted the advertiser's advice that it ceased broadcast of the advertisement immediately and that the bumpers will be removed from the advertisement before it is broadcast again. Nonetheless, the Board found that the advertisement breached Section 2.6 of the Code and upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

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

On receipt of this complaint, Johnson & Johnson Pacific immediately ceased the broadcast of this commercial. Johnson & Johnson Pacific confirms that before the commercial is broadcast again, it will be modified and the cot bumpers will be removed.

Johnson & Johnson Pacific supports the guidelines of the NSW Department of Health, the SIDS and Kids organisation and the Australian Competition and Consumer Commission that recommend against the use of bumpers in cots. Johnson & Johnson Pacific will ensure that all of its advertising demonstrates these guidelines to new parents.