



CASE REPORT

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| 1. Complaint reference number | 47/07 |
| 2. Advertiser | AGL Energy Ltd |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 13 March 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features "Ellie" (the AGL mascot) opening the palm of her hand to release "AGL Energy Tips" as a female voice over advises "Set your fridge temperature to 5 degrees instead of 3 degrees as each degree lower uses more energy. It'll save you around \$20 a year". Ellie then flies off over a city where lights are coming on as night falls.

THE COMPLAINT

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

Health and safety are at risk at the higher temperature.

THE ADVERTISER'S RESPONSE

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

The Food Standards Australia New Zealand web site recommends that Australians "...keep your fridge set to 5 degrees Celsius or below..."

The NSW Food Authority also supports the 5 degree maximum temperature recommendation, paying particular attention to the health issues that may arise by having the temperature of a refrigerator too high. The food safety tips section of the NSW Food Authority web site suggests that consumers should "Keep cold food cold (below 5 degrees Celsius)." The Food Authority's Keep it Cool brochure contains the following statements:

· Keep your fridge cool – remember 0°C to 5°C

· Fortunately, you can keep [harmful bacteria that can make us ill] away by simply keeping your fridge at a cool 0°C to 5°C.

The South Australian Government's Department for Transport, Energy and Infrastructure advises on its web site that "The recommended operating temperature for a fridge is 3 to 5 °C". The Government's supporting publications also state that consumers are not at risk if they have set the temperature of their fridge to 5°C.

From all these sources AGL concluded that a slight change in refrigerator temperature from 3 degrees Celsius to 5 degrees Celsius is safe from a health perspective and has a positive follow-on financial effect on a customer's energy bill.

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 advertisement breached Section 2.6 of the Code dealing with community standards of health and safety.

The Board considered the suggestion to increase refrigerator temperature to 5 degrees and whether this posed a health risk. The Board accepted the health authorities' advice that it is safe to keep a refrigerator at 5 degrees Celcius. Hence the Board held that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.