



CASE REPORT

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| 1. Complaint reference number | 586/09 |
| 2. Advertiser | Richgro |
| 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, 9 December 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This TVC depicts a woman in a garden with a spray bottle of Richgro weed and grass killer. The opening scene shows a close view of the woman spraying weeds. The second scene shows the woman in the background using the product and in the foreground are two young children with their family dog. The voice over indicates that safety of the product and claims that the product is made from all natural and safe ingredients. The commercial closes with the product slogan and information on locations of availability.

THE COMPLAINT

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

This ad clearly indicates to the children that it is more 'dangerous' to have an unwanted plant growing in their garden than it is to casually spray herbicides around. As we all know, children emulate adult behaviour and as a consequence can get poisoned by products such as this. Children watching this ad would clearly get the message that it is a 'harmless' poison. There is scientific evidence (not provided by the manufacturers) to indicate that continual spraying of any poisons in the environment builds up.

THE ADVERTISER'S RESPONSE

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

Richgro Beat-A-Weed Natural Weedkiller is a fast acting weedkiller made of all natural ingredients - vinegar (acetic acid) and salt (sodium chloride).

The product works by simply dehydrating unwanted plants or weeds, resulting in browning and wilting of the plant or weed within hours of application.

Richgro Beat-A-Weed is safe to use around children and pets, and is not harmful to the environment.

The product has been assessed by the Australian Pesticide and Veterinary Medicines Authority and was considered safe enough not to require a poison rating or warnings on the packaging.

Richgro Beat-A-Weed is marketed to environmentally minded gardeners who are looking for an all natural, child and pet safe product.

These benefits are reflected in our television commercial which has resulted in an increase of sales for all natural products at the expense of herbicide weedkillers - a benefit that is not

understood by the complainant.

The woman in the commercial is Sue MacDougall, a renowned horticulturalist in WA.

Sue's two children, who also feature in the commercial, are shown playing with her pet dog.

Sue would know better than anybody else, the dangers of herbicides, which is why she and her family are happy to promote the benefits of Richgro Beat-A-Weed.

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 the complainant's concern that the advertisement depicted use of a herbicide in proximity of children without appropriate safety gear.

The Board viewed the advertisement and considered that the advertisement does not depict the children in close proximity to the mother as she is spraying - they are in the garden but not in danger of being sprayed. The Board noted the advertiser's advice that the product does not require a warning or poison statement on the product. The Board considered that in the absence of any advice that consumers should wear protective gear when using the product, that the depiction of the product being used was not a depiction that was contrary to prevailing community standards on health and safety. The Board determined 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.