



CASE REPORT

1. Complaint reference number	77/07
2. Advertiser	Medibank Private
3. Product	Insurance
4. Type of advertisement	Print
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Tuesday, 13 March 2007
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement portrays a pre-teen girl using an iron to straighten her very frizzy red hair, and the comment "We can't stop kids being kids".

THE COMPLAINT

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

I have an eight year old girl with similar style and colour hair who would love to have straight hair. The advert indicates a wholly inappropriate and dangerous method of straightening ones' hair. Given that Medibank operate in the health sector I am appalled at their lack of judgment in publishing this advertisement. Not only does encourage a dangerous activity which is implanted into any readers mind but is also readily accessible given that it appears in national newspaper.

This ad is run in House and Garden magazine, Adelaide's child magazine. Please stop this ad before a child is burnt or more seriously hurt. I can't believe they put an ad like this in a kid's magazine.

THE ADVERTISER'S RESPONSE

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

At the outset, we note that the advertisement did not run in House & Garden Magazine. We suspect that (the complainant) is referring to Better Homes & Gardens magazine.

The complainant's concern appears to be that the advertisement (showing a young girl using an iron on an ironing board to straighten her curly hair), may encourage a child to use an iron in this manner, potentially causing injury to the child.

The advertisement itself relates to private health insurance, and so is not directed at children or understood by children. In addition, the language used (for example: "We can't stop kids being kids") is clearly directed at adults.

The magazines that the advertisement has appeared in to date are Better Homes and Gardens, Mother & Baby, Practical Parenting, Little Kids, and Child Publications.

The advertisement will not be appealing to children, given that the press advertisement appears in the above publications, which are principally directed to women and mothers between the ages of 24-54 and relate to private health insurance.

The advertisement also ran in The Adelaide Advertiser. This publication was a one-off and will not

run in any other mainstream media. In any event, the advertisement is clearly directed at adults, as set out above. In future if we run this advertisement again, it would only be in magazines that have a readership comprising parents, and in particular, mothers only.

Medibank Private strongly denies any allegation that this advertisement was designed to encourage children to straighten their hair using an iron and an ironing board. Rather the advertisement is targeted at parents, to remind them that children are mischievous, unpredictable and do strange things that may sometimes put them in harm's way. Something that can be controlled, however, is health cover for families.

In our view, the advertisement also has a public benefit as it serves to reinforce to parents that children, due to their often fearless nature, may sometimes engage in activities, which to an adult are clearly foolish. The copy reinforces this point with the words "You can't stop kids being kids". The advertisement also serves to remind parents that it is necessary to keep an eye on children.

Therefore, in our view, the advertisement is an appropriate and necessary safety message to communicate to parents, who would read and understand the press advertisement in this context and who also form the core readership of each of the magazines (as outlined above) where this press advertisement has run to date.

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 concerned with community standards of health and safety. The Board viewed the advertisement and noted the image of a girl ironing her own hair. The Board agreed that the image depicted a practice which was unsafe and would generally be regarded by the community as against prevailing health and safety standards. The Board took account of the intended adult audience of the magazine but agreed that children could and probably would easily access the magazine. Hence the board held that the advertisement breached Section 2.6 of the Code.

Finding that the advertisement did breach the Code, the Board upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

Since being notified of the complaint by the ASB 22nd February 2007, we had voluntarily stopped further despatch and insertions of the said advertisement, whilst formalising our initial response and awaiting the ASB decision.

Unfortunately, two insertions had already been despatched and printed prior to receiving the ASB complaint. For your information, these two insertions are the following:

- *Little Kids publication – a quarterly publication which is currently in-market until June.*
- *Practical Parenting – a publication with a long lead time for printing requiring very early material deadline, and will be in-market on 21st March until 20th April.*

We do not intend to use the said advertisement in the future.