

Advertising Standards Authority

Broadcast Advertising
Adjudications

20 April 2005

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ADVERTISER: Best Western Northwick Hotel

BROADCASTER: Teletext

Date: 20 April 2005

Media: Television

No. of Complaints: 1

COMPLAINT:

A Best Western Northwick Hotel on Teletext shown during February offered a Winter Special deal; three nights from £35 per person, per night and two nights from £45.

A viewer rang to book three nights for early March. He was told the cost would be £45, as the price increased on 1 March. He said there was no mention in the advertisement that the offer was for a limited period and found it misleading.

ADJUDICATION: Complaint upheld

The advertiser said that the advertisement clearly stated prices were 'from' £35 and £45. It explained that although the advertisement did not say the rates were only valid until the end of February, it did make viewers aware that the rates applied to its 'Winter Special'. The advertiser told us that its 'Spring Specials' began at the start of March.

We acknowledged the advertisement said prices were 'from' the figures given, but we would still expect bookings to be available in reasonable quantities at the lowest prices shown when broadcast. However, this was not the case after 28 February, when the lowest price was £45, not £35. The advertisement did not make clear when the offer finished. We believed it was unreasonable to expect viewers to know when the Winter Special was due to end.

We considered the advertisement was misleading and in breach of CAP (Broadcast) TV Advertising Standards Code Rules 5.1 (Misleading advertising) and 5.2.3 (Qualifications).

ADVERTISER: Exeter International Airport

BROADCASTER: ITV West Country

Date: 20 April 2005

Media: Television

No. of complaints: 1

COMPLAINT:

On-screen text in a locally cleared advertisement for Exeter International Airport listed Leeds Bradford as a flight destination. A voiceover said "Flybe, flying from Exeter International Airport. Book at Flybe.com. Exeter International Airport, flying you further from closer to home".

A viewer, who saw the advertisement on 18 January 2005 and wanted to book a flight on that route for the following day, complained it was misleading because Flybe were not operating the Exeter-Leeds Bradford route until 16 June 2005.

ADJUDICATION: Complaint upheld

The broadcaster said the advertisement promoted destinations available from the airport and the voiceover directed viewers to a website through which they could check whether specific flight times and dates were available. It said it would be impractical to qualify all departure times and dates for the various destinations on screen because it was too much information to convey in an advertisement that was only 10 seconds long. It believed no other holiday or travel advertisements carried all that information. It said flights to Leeds Bradford were available, just not on the date the viewer wanted to fly. It considered viewers would be aware that a certain amount of investigation was required when making travel arrangements and not all flights would be available when they wanted.

The advertiser said bookings could be made for all the destinations listed in the advertisement, which it argued was intended to advertise the routes on the Flybe calendar, not give details of dates or times of travel. Changes to routes, times and operation occurred because the industry had two distinct seasons, but it felt it was reasonable to promote future seasonal opportunities and believed that the scope for change was widely known. It said the viewer expected to be able to book a flight departing the day after she saw the advertisement, which was highly unlikely to have been possible even if the service had already commenced. It pointed out that other products and services were advertised on the basis that, although not available until a later date, they could be purchased or ordered immediately, for example a cruise or furniture.

We acknowledged it would be difficult to qualify all departure dates and times for all destinations in an advertisement of only 10 seconds duration. However, the flights between Exeter and Leeds Bradford were not available at any time during the five months following the broadcast of the advertisement. An advertisement may be misleading even if it does not directly lead to financial loss, for example if it causes viewers to waste their time making enquiries, only to find that offers are unavailable

or that there are important limitations. We considered that the non-availability of the route until 16 June was a significant limitation, which viewers were unlikely to have been aware of, and which should have been made clear in the advertisement. We therefore found it in breach of Rules 5.1 (Misleading advertising) and 5.2.3 (Qualifications) of the CAP (Broadcast) TV Advertising Standards Code. The advertisement must not be shown again in that form.

ADVERTISER: Food Standards Agency

AGENCY: HHCL Redcell

Date: 20 April 2005

Media: Television/Poster

No. of complaints: 2

COMPLAINT:

Objections from a member of the public and the Salt Manufacturers' Association to a television commercial and poster for a Government health campaign.

a) The commercial began with a woman walking across an indoor car park. She arrived at her car but dropped her keys in a sticky slime trail; as she stooped to pick them up she was hailed by a giant slug, who was sitting on the bonnet of her car. The slug said "Need a hand?" and slid off the bonnet onto the floor. He laughed and stated "Hand! My dad used to love that joke. But now he's dead. He taught me so much. He'd say: 'Sidney, stay away from fast cars, loose women and salt!'" As the woman turned and headed towards a lift, the slug pursued and shouted "Woman! Don't go. It's what done all my family in, see? But it ain't just bad for slugs." The lift doors began to close with the woman inside and the slug, with his head between the closing doors, shouted "Too much salt can lead to a heart attack!" As the doors closed, the slug turned away and stated "Giant slug with a message here".

b) The poster showed a picture of a slug and the text stated "TOO MUCH SALT IS BAD FOR YOUR HEART".

1. The Salt Manufacturers' Association, who believed the concept of "too much salt" was immeasurable, challenged whether commercial (a) and poster (b) misleadingly implied salt was bad for your heart and could kill you.

2. A member of the public challenged whether poster (b) was misleading because it did not make clear that excessive salt consumption only increased the risk of heart problems.

(Ed 11: 3.1; 3.2; 7.1)

ADJUDICATION :

The advertisers responded to the complaint about the poster; the advertisers and the BACC responded to the complaint about the TV commercial.

1. Complaint not upheld

The advertisers said they had a statutory function of providing advice to the public about matters of interest to consumers in relation to food. They said they had based the claims in the poster and commercial on evidence in the "Salt and Health" Report by the Scientific Advisory Committee on Nutrition (SACN) 2003; they believed that to be the best scientific evidence available. The advertisers pointed out that SACN had reviewed most of the scientific papers submitted by the Salt Manufacturers' Association (SMA) before drafting the Report but, on the basis of all the available evidence, SACN had concluded that there was a proven link between high salt consumption and high blood pressure and between high blood pressure and mortality from stroke and cardiovascular diseases. They said the SMA had responded to the draft report and those comments were taken into account by SACN along with others. They argued that, as a proportion of all available evidence, the material submitted by the SMA did not constitute a significant division of informed opinion. They sent letters from Professor Alan Jackson, the Chair of the SACN Committee, and Sir Liam Donaldson, Chief Medical Officer, that said the available data showed a clear link between high salt consumption and high blood pressure and high salt intake, independently of blood pressure effects, caused left ventricular hypertrophy, which was a strong risk factor for cardiovascular disease.

The BACC pointed out that the TV commercial stated "too much salt can lead to a heart attack", not that salt would result in a heart attack. It sought expert advice on the claim and was satisfied that there was sufficient risk from habitual excessive salt intake to justify the claim.

The Authority noted neither the TV commercial nor the poster provided a definition of "too much" salt. It nevertheless understood that SACN had considered approximately 200 scientific papers, including evidence submitted by the SMA, before drafting the Report, and was satisfied that the Report constituted authoritative, scientific evidence. It noted the Report concluded that the habitual salt intake of the population was sufficient to raise the risk of high blood pressure, which in turn increased the risk of stroke and death from cardiovascular diseases, and that the risks were evident across a range of salt intakes. Although it acknowledged that some experts disagreed that the average salt intake by the adult population should be reduced to the level recommended by the Committee on Medical Aspects of Food Policy (COMA) in 1994 and endorsed by the SACN Report, it did not consider the division of informed opinion about the concept of "too much salt" was significant enough to counter advice from the official public health body, endorsed by the Chief Medical Officer, that habitual consumption of high levels of salt posed a risk to heart health. The Authority concluded that the advertisements were unlikely to mislead.

2. Complaint not upheld

The advertisers said the claims were supported by the evidence in the SACN Report and sent letters from Professor Alan Jackson and Sir Liam Donaldson to prove that.

Professor Jackson said he believed the advertisers had interpreted the SACN report appropriately; he pointed out that SACN had established a clear link between high salt consumption and high blood pressure and a strong continuous relationship between increasing blood pressure and mortality from stroke and ischaemic heart disease. He said SACN had also found evidence that high salt intake, independently of blood pressure effects, caused left ventricular hypertrophy, which was a powerful risk factor for cardiovascular disease. Professor Jackson said he believed the message conveyed by the advertisers' Salt Campaign was in agreement with the SACN Report and did not mislead in terms of the risks that consuming too much salt posed to cardiac health.

Sir Liam Donaldson pointed out that the relationship between salt and blood pressure had previously been considered by COMA, who had concluded that a reduction in salt intake would be of demonstrable benefit to the population in terms of reduction of blood pressure and therefore of coronary heart disease and stroke. Sir Liam quoted the 2001 Annual Report, which stated "people with high blood pressure are three times more likely to develop heart disease and stroke and twice as likely to die from these diseases as people with normal levels". He said SACN had found that evidence had increased since the earlier Reports and the available data showed a clear link between high salt consumption and high blood pressure. He concluded that that link supported the statement "TOO MUCH SALT IS BAD FOR YOUR HEART".

The Authority noted the SACN Report had established a link between high salt consumption and high blood pressure and between high blood pressure and heart disease; it also noted SACN had found evidence that high salt intake was a powerful risk factor for cardiovascular disease, independent of blood pressure effects. It considered that the conclusion of the Report, which stated "a reduction in the average population salt intake would proportionally lower population average blood pressure levels and confer significant public health benefits by contributing to a decrease in the burden of cardiovascular disease", made clear the reasons for advocating a reduction in salt consumption. It concluded that people were likely to infer from the poster that habitual consumption of high levels of salt was likely to be detrimental to heart health and could lead to premature death. Because that inference was supported by the conclusions of the SACN Report and the Chief Medical Officer and was communicated in the context of a public health message that readers would understand was intended to change people's behaviour, the Authority considered that the claim was acceptable.

The Authority concluded that the poster was not in breach of CAP Code Edition 11 clauses 3.1 and 3.2 (Substantiation) and 7.1 (Truthfulness).

It concluded that the TV commercial was not in breach of the CAP (Broadcast) TV Advertising Standard Code clauses 5.1 (Misleading), 5.2.1 (Evidence), 5.2.2 (Implications) and 5.2.3 (Qualifications).

ADVERTISER: IPC Magazines

AGENCY: Heresy

Date: 20 April 2005

Media: Television

No. of complaints: 5

COMPLAINT:

An advertisement for Pick Me Up magazine showed a number of people in different situations singing the reasons why they loved the magazine. It ended with a woman in a kitchen, dressed in a negligee, with her arms around a milkman. Her astonished husband appeared at the door. A fireman then emerged from the fridge and a policeman from the kitchen cupboard. They all sang 'Buy Pick me up, it makes our week.'

Viewers complained that it was irresponsible to show someone, particularly a fireman, coming out of a fridge. They were concerned that young children would copy and accidentally lock themselves in a fridge. The advertisement was shown during the day when children could be watching. One viewer, a Community Fire Safety Officer, said that by depicting a fireman it was almost blessing the act and added that this advertising highlighted tragedies that occurred to children in the past. Another said his 4 year old queried why the man was in the fridge. He said that with the increasing number of dumped fridges around it was only a matter of time before a child came to harm.

ADJUDICATION: Complaints not upheld

The advertiser and agency said that because the advertisement was cleared with the restriction that it should not be shown in or around programmes made specifically for children, the likelihood of young children seeing it and the risk of emulation were reduced. They considered the timing restriction sufficient to protect children, specifically young children, from being influenced by the fireman and fridge scene. They argued that the humour in the advertisement was obvious, unsophisticated slapstick, which they thought was basic enough for children to understand. They pointed out that the advertisement was designed to entertain, not to provide role models, and there was little focus on the fireman and fridge. The fridge shown was not an old style fridge with a lock or closing mechanism, but one that opened very easily. It was clearly located in a kitchen, where it was in full use, not dumped on a refuse site. They also said they carried out focus group research prior to broadcast and none of the mothers that participated expressed any concerns.

The BACC said that because the frame containing the fireman and fridge was a brief shot in a busy advertisement, it considered it acceptable provided the advertisement was scheduled away from programmes made specifically for children.

We agreed that the frame was not the focus of the advertisement and considered that it was presented to viewers as one in a rapid sequence of slapstick incidents. We did not feel it suggested it was fun to play in fridges, nor did we believe that the brief scene would encourage children to either climb into or hide in a fridge. No-one was seen climbing into a fridge and closing the door. Nor did it show an old style fridge with a lock or closing mechanism. The tragedies mentioned by one viewer resulted from old-style fridges with handles, which would have locked upon closing. The majority of modern fridges do not have handles and cannot be locked. For a small child to climb into or hide in a fridge, it would have to be empty and even then shelving would make it very difficult. There is a risk that children could play with dumped fridges, as they would with anything else that they might find. However, the brief scene in this advertisement did not show a dumped fridge, and we did not think it either encouraged children to play with dumped fridges or sent out the message that it was fun to play with them. We considered the risk of emulation was very low and the ex-kids restriction applied was appropriate.

The advertisement was investigated under Rules 7.3.2 (Physical harm - children) and 7.3.7 (Use of scheduling restrictions) but was not in breach of the CAP (Broadcast) TV Advertising Standards Code.

ADVERTISER: Procter and Gamble UK

AGENCY: Grey London Ltd

Date: 20 April 2005

Media: Television

No. of complaints: 2

COMPLAINT:

An advertisement for a kitchen cleaning product showed the celebrity chef Ainsley Harriott cleaning an oven. At one point he was shown resting his face on the hob; later, he kissed the hob and proceeded to kiss the oven three times. During the advertisement, he said "It's a love/hate relationship. Love cooking on it. Hate fighting burnt-on grease off it. Now I just leave it. Fairy Power Spray. Everyday, you squirt, wait and wipe. Love it." The advertisement was not subject to a scheduling restriction.

Viewers believed that the advertisement might lead to emulation and cause harm to children.

ADJUDICATION: Complaint upheld

The Broadcast Advertising Clearance Centre (BACC) and the advertiser said they believed that only very young children might consider emulating Ainsley Harriott's actions and that the height of the cooker top featured in the advertisement would preclude those children from doing so. Nevertheless, the advertiser asked the BACC to place a scheduling restriction on the advertisement to ensure that it was not broadcast in or around programming made for or targeted specifically at children.

We considered that, even if unlikely to be directly emulated, the actions featured in the advertisement gave the impression that ovens and hobs were perfectly safe to touch. We were concerned that children could be harmed as a result. We therefore welcomed the advertiser's decision to ask the BACC to impose a scheduling restriction. Although we noted the positive action taken by the advertiser, we concluded that the advertisement was in breach of Rules 7.3.2 (Physical harm - children) and 7.3.7 (Use of scheduling restrictions) of the CAP (Broadcast) TV Advertising Standards Code when originally broadcast.