



## **CASE REPORT**

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| 1. Complaint reference number | 25/09  |
| 2. Advertiser                 | National Australia Day Council   |
| 3. Product                    | Public Awareness   |
| 4. Type of advertisement      | Print  |
| 5. Nature of complaint        | Violence Community Service advertising – section 2.2<br>Violence Other – section 2.2 |
| 6. Date of determination      | Wednesday, 21 January 2009   |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement from the National Australia Day Council shows a young man holding up an Australia Day checklist. The checklist includes: Overcook a variety of meats on semi-hygienic BBQs; Listen to the Choirboys; Make a disparaging remark about English cricket; Do a reverse horsey in a blow up pool; Fill your togs with sand; Exercise your democratic right to give dead arms; Go to a cultural event, like the fireworks.

## **THE COMPLAINT**

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

*One of the points on the checklist is "Exercise your democratic right to give dead-arms". The ad, while tongue in cheek is suggesting that you punch someone so hard that their arm goes numb. I find this ad extremely offensive to suggest violence in any nature or form, if kids see it as part of our culture they will find it funny to do it to their friends in the playground, while adults will think it is ok after a few drinks to punch their mates. Since I believe that Australiaday.org is funded by the Government I believe this runs counter to all the positive advertising putting a end to violence in society. Australia Day represents a day of uniting our nation together and this Ad does not achieve that.*

## **THE ADVERTISER'S RESPONSE**

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

*The National Australia Day Council Limited is a not-for-profit Commonwealth owned company with the purpose of inspiring national pride and spirit to enrich the life of the nation. As part of our program we present a national adverting campaign to promote participation in the celebration of Australia Day. With the exception of an updated logo, the campaign running for Australia Day 2009 is exactly the same as for 2008. The campaign has been developed pro-bono by George Patterson Y&R (Melbourne) and is placed pro-bono by the national media using the services of the Australian Government's master media buying agency Universal McCann. The campaign receives television, cinema, print and outdoor placement. The 'Australia Day Man' campaign is designed to target citizens who are not currently participating in Australia Day. Our reserach indicates that apathy is the main block of non-participants. The campaign uses Australian irony to reach this disengaged audience. The use of the phrase 'democratic right to give dead arms' is clearly ironic. The irony of this statement is highlighted by the list of other ridiculous actions and the clear satiric tone of the television commercial. There is no suggestion that violence is to be condoned nor is it a day to lie at home on the couch. The opposite is the case. Australia Day is a day with civic meaning and a day for public participation in community events.*

## **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 complainants' concerns that the advertisement promotes bullying and violence in the community by suggesting that Australians have a right to give other people 'dead arms'. The Board considered that the suggestion of there being a right to give 'dead arms' was humorous and unlikely to be taken as an incitement for people to start giving each other 'dead arms'. The Board considered that this advertisement's suggestion of dead arms was not likely to lead to an increase in bullying but would be likely to be taken in the lighthearted manner in which it was presented. The Board determined that this aspect of the advertisement did not breach section 2.2 or section 2.6 of the Code.

The Board noted the advertisement's reference to making disparaging remarks about English cricket. The Board took account of the advertisement's context and noted that there has been an historical, affectionate rivalry between the two countries. The Board felt that in Australia suggestions about the performance of the English cricket team are used in a manner that is not meant to be hostile or vilifying, but rather is consistent with Australian humour, particularly in the context of cricket.

On balance, with regard to prevailing community standards, the Board concluded that the reference to English cricket was not regarded by the wider Australian community as discriminatory or vilifying of persons of British extraction. Hence the Board found that the advertisements in question did not breach Section 2.1 of the Code.

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