



Case Report

1	Case Number	0001/18
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	24/01/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Domestic Violence
- 2.3 - Violence Violence
- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A television advertisement depicts actor Chris Hemsworth watching television. A smoke detector starts to beep and then speaks, taunting the actor. After being provoked by the voice in the smoke detector, Chris removes the smoke detector from the wall and breaks it. The closing frame of the advertisement shows the smoke detector being replaced.

THE COMPLAINT

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

These ads show that it is alright to become aggressive and destroy things when you don't like them. It does not show tolerance or patience. This man is an actor that children look up to as he plays a fictional character called Thor who children would relate to. They would believe that it is alright to be aggressive and destroy things because you can. Totally unacceptable and sends completely the wrong message to children.

The statement of "life is meaningless" being repeated regularly during all times of the day is not something I believe should be represented by any company let alone an entertainment company that caters to children as well as adults.

I cannot believe this advertisement has been allowed on TV in the first place, let alone to continue for as long as it has. It is de-sensitising viewers to the sound of a smoke alarm. Hello! It is a smoke alarm.

A smoke alarm is there solely to warn people of a potentially life threatening issue and that they need to get out of their houses IMMEDIATELY!

If this ad keeps going, people, especially elderly, children and people with disabilities or who are hard of hearing will get so used to hearing this noise going off all day every day, because they play the ad so often, that people won't realise their actual smoke alarm is going off and that they need to get out of their house NOW!

This is a serious health risk to people's lives!

Please put a stop to this ad immediately.

I am not sure who the pea brain was who thought this ad would be clever but it is certainly far from clever. It is extremely careless and irresponsible and it is risking people's lives.

The people who run these ads and the people who create them need to have more common sense.

People's lives are at risk and this is not a joking matter.

To de-sensitise people, especially "at risk people" to smoke alarms is a criminal offence.

If the ad is not removed, I will be taking legal action on behalf of "at risk people" to ensure advertising such as this is not allowed ever again.

It promotes violence when angry in a domestic home. It promotes the reaction that if an object annoys you just get angry and punch it then replace it.

The advert is in a domestic setting with a domestic smoke alarm and shows another male simply replacing the item for the celebrity male after he destroyed it in an act of rage.

I understand that no women or children were in the commercial though this celebrity Australian male is promoting this type of behaviour in the home.

Can he control this rage at home if children or women are present?

This behaviour in the home is not tolerated by law and is domestic violence.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

As the Advertisement was not placed on free-to-air television, it did not receive a classification by CAD. The Advertisement aired across various channels on the Foxtel platform between 24 October 2017 and 17 December 2017.

The Complaints

The Complaint includes the allegations that the Advertisement "is de-sensitising viewers to the sound of a smoke alarm" and "people, especially elderly, children and people with disabilities or who are hard of hearing will get so used to hearing this noise going off all day every day...that people won't realise their actual smoke alarm is going off and that they need to get out of their house NOW...This is a serious health risk to people's lives".

The other complaint includes the allegation that the Advertisement "promotes violence when angry in a domestic home...This behaviour in the home is not tolerated by law and is domestic violence".

We understand that the complainant is concerned by the inclusion of the statement "life is meaningless" within the Advertisement.

Applicable provisions of the AANA Code of Ethics

The Complaints relate to Section 2 (Section 2) of the Australian Association of National Advertisers Code of Ethics (the Code).

Section 2.3

The ASB has raised Section 2.3 of the Code (Section 2.3) as an applicable provision in the context of the Complaints. Section 2.3 requires that:

“Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.”

The Advertisement portrays a scene where a man, after becoming frustrated with the smoke detector speaking to him and beeping incessantly, removes it from the wall and breaks it. The choice of talent in the Advertisement was deliberate. Most viewers would recognise the man as Chris Hemsworth, most famous for his role as Thor, the powerful, fictional superhero, capable of incredible feats of strength. The actions of Chris are a dramatised play on his character, Thor; the scene is stylised and is intended to be humorous. The scene does not involve another person; does not relate to or involve any physical confrontation; and there is no threat to any other person. Referring to the AANA’s Practice Note on the Code, Foxtel does not consider that the content of the Advertisement falls within the stated guidelines as to the definition of ‘violence’. The guidelines refer to a range of other depictions, including ‘sexual violence’, ‘violence against animals’ and ‘strong suggestion of menace’, and it is Foxtel’s view that the actions of Chris Hemsworth clearly do not constitute violence.

If the breaking of the smoke detector was held by the ASB to depict “violence”, Foxtel’s view is that the scene is justifiable in the context of the Advertisement.

Foxtel rejects the characterisation of the scene as one resembling domestic violence, and does not agree that the breaking of the smoke detector is akin to domestic violence or violence against a person in any form. Foxtel submits that the Advertisement does not promote nor glorify, or approve, violence in any form (including domestic violence).

In light of the context in which the Advertisement was broadcast, we believe that the majority of its audience would regard the Advertisement as light-hearted, humorous and irreverent. Accordingly, we submit that the Advertisement does not breach Section 2.3 of the Code.

Section 2.6

The ASB has also raised Section 2.6 of the Code (Section 2.6) as an applicable provision in the context of the Complaints. Section 2.6 requires that:

“Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

Foxtel acknowledges that smoke detectors play a vital role for ensuring the safety of people in the home and that smoke detectors have saved many lives. Foxtel considered this during the production stages of the Advertisement and is why the Advertisement closes with a scene of the smoke detector being replaced immediately after it is broken. By replacing the smoke detector immediately, Foxtel contends that any fire safety concerns have been mitigated within the Advertisement. As such, Foxtel submits that the Advertisement does not depict any material contrary to prevailing community standards on health and safety.

Responding to the complainant's specific concern about desensitising viewers to the sound of a smoke detector, we consider that the sound, volume and pitch of the televised smoke detector is different to the sound of an actual smoke detector beeping in someone's home. The smoke detector featured in the Advertisement is not intended to portray a 'real-life' smoke detector. A 'real-life' smoke detector does not beep with the regularity of the alarm in the Advertisement nor does a 'real life' smoke detector start speaking and engaging with you personally in an effort to provoke and disrupt you. Further, the sound of the smoke detector in the Advertisement is not loud in comparison to the sounds/voices in the rest of the Advertisement, is not distracting, and is accompanied by a voiceover so as to ensure there is no confusion between the televised smoke detector and one in the viewer's home. Foxtel submits that in the manner used in this Advertisement, a reasonable person would not become desensitised to the sound of a 'real-life' smoke detector in the event of a fire.

In Foxtel's view, the sound of a smoke detector is analogous to the inclusion of a police or ambulance siren in an advertisement; which would unlikely be viewed as desensitising viewers to react to these sounds in the event of an actual emergency.

The Advertisement portrays a scene where the smoke detector disrupts Chris Hemsworth's television viewing by speaking to Chris in a voice clearly intended to irritate and frustrate him. The voice in the smoke detector says "What is the meaning of my beeps? Nobody knows. The beeps are meaningless, life is meaningless, I'll beep forever."

Whilst the statement "life is meaningless" is included within the Advertisement, it is the smoke detector that delivers the line, devoid of any human opinion on "the meaning of life". The smoke alarm, an inanimate object, has been personified within the Advertisement to dramatise its own frustrations and not those of a human. The object is not projecting its outlook onto Chris, but rather its own unconscious existence.

For this reason, we submit that the Advertisement does not breach Section 2.6 as it does not depict any behaviour that is contrary to community standards of health and safety.

For the above reasons, we submit that the Advertisement does not breach Sections 2.3 or 2.6 of the Code. Further, we submit that the Advertisement does not breach any other provisions of the Code.

The creative concept was then produced internally by Foxtel.

Foxtel takes the Complaints very seriously and regrets any offence caused to the complainants. It is important to note that Foxtel in no way condones or encourages domestic violence, or any kind of violence.

To the best of our knowledge, after conducting reasonable enquiries, we have not received any complaints directly regarding this Advertisement.

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 depicts aggressive and unsafe behaviour.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the Pay-TV advertisement features actor Chris Hemsworth sitting on a couch trying to watch television when he becomes distracted by the beeping of a smoke detector. The smoke detector's voice is then heard mocking Chris until he pulls it off the wall and smashes it. He then continues to watch the television while someone installs a new smoke detector in the background.

The Board considered the complainants' concern that the advertisement suggests that it is alright to become aggressive and destroy things if you don't like them. The Board also noted the advertiser's response that does not involve another person and there is no threat to another person.

The Board considered the depiction of Chris Hemsworth smashing the smoke alarm and considered that the advertisement plays on his fame for being a very strong superhero (Thor) and presents a humorous and unrealistic depiction of a talking smoke alarm.

The Board also considered the fantasy nature of the advertisement and considered that this is a situation most members of the community would not take seriously and is not a depiction of violence

In the Board's view the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board considered the complainant's concerns that the advertisement desensitises people to the sound of an alarm.

The Board considered that the sound of the beeping was part of the advertisement and in context of the smoke alarm being featured in the advertisement.

The Board considered the fantasy nature of the advertisement and considered that the majority of the community would be unlikely to find a beeping smoke alarm in an advertisement likely to desensitise people to the sound of their own alarms.

The Board also considered whether depicting a person removing a smoke alarm is a depiction of material contrary to public health and safety standards. The Board noted that the final scene depicts a tradesman installing a new smoke alarm and considered that the advertisement did not therefore undermine the importance of safety regarding smoke alarms.

The Board considered the complainant's concern over the use of the phrase 'life is meaningless'.

The Board considered that the phrase 'life is meaningless' is a philosophical phrase rather

than a statement of fact and is clearly presented as a humorous irony to be said by a talking smoke alarm.

In the Board's view the statement in the context of the advertisement is unlikely to be considered as a suggestion of suicide and is not against prevailing community standards on health.

In the Board's view the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and 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 complaints.