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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0023/18
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	07/02/2018
6	DETERMINATION	Dismissed

## ISSUES RAISED

- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Domestic Violence
- 2.3 - Violence Violence

## DESCRIPTION OF THE ADVERTISEMENT

In this television Advertisement, a child's toy, a personified teddy bear, speaks to Chris Hemsworth. Chris removes the toy from the car and throws it onto a nearby road. As he moves to pick up the toy it is run over by a passing truck. Chris then sets up the children some programmes to view on tablets.

## 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 portrayal of the man in these ads and his violent acts against in smashing up his house and destroying his child's toys promote domestic violence. These acts are portrayed in a way where we are supposed to think it is funny or in some way 'neutralised' or acceptable. While other channels are advertising against domestic violence, this channel is sanitising it to make it seems acceptable because it inflicted by a masculine-looking screen hero. The creators of this add must be incredibly stupid and insensitive not to see the underlying implications of both these ads, particularly the gruesome destruction of a symbol of childhood. They should be ashamed. So should Chris Hemsworth and so should Foxtel. It is a pathetic glorification of a man with anger management issues. Please remove these very offensive advertisements from public viewing.*

### **THE ADVERTISER'S RESPONSE**

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

*We refer to the Complaints made against Foxtel Management Pty Limited (Foxtel) which were received from the Advertising Standards Bureau (ASB) on 15 January 2018.*

#### *Description of the Advertisement*

*From the information provided by the ASB, we understand that the Complaints relate to a recent television advertisement from Foxtel's "Life Happens" campaign (the Advertisement).*

*The campaign comprises four different advertisements, all using the same Australian actor Chris Hemsworth, playing a caricature of himself. The concept underpinning the campaign is that life is full of interruptions and inconveniences, however, with Foxtel's products you can still connect with the content you love. This creative message is portrayed by placing Chris in a range of everyday situations, like movie night at home, working out at the gym, etc., where 'interruptions' arise.*

*In this Advertisement, Chris is packing the car for a family holiday, when a child's toy begins to taunt him by saying "Oh can you hear me calling? Nothing but open road and me head butting the back of your seat over and over and over...". The child's toy, a personified teddy bear, speaks to Chris in a voice that is clearly intended to irritate and frustrate him; giving him a glimpse of what the family car trip is likely to entail without any entertainment. After becoming frustrated and provoked, Chris removes the toy from the car and throws it onto a nearby road. Regretting his actions, Chris walks towards the road to collect the toy however a truck drives over the toy just as he attempts to retrieve it. Hoping no one in his family will notice, the Advertisement closes with Chris downloading kids programs to the Foxtel Kids app with the voice over*



*"Life happens to us all. Download their favourite shows to the Foxtel Kids app."*

*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 September 2017 and 24 October 2017. The Advertisement has also been on air since 18 December 2017 and is intended to air until 28 February 2018.*

*The Complaint (0022/18) includes the allegations that the Advertisement "has the capacity to traumatise small children" and "the portrayal of the man in these ads and his violent acts...promote domestic violence".*

*The Complaint includes the allegations that the Advertisement "show[s] that it is alright to become aggressive and destroy things" and is "very offensive, violent and unpleasant".*

*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 the 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 who, after becoming frustrated with a toy taunting him about how his family car trip will transpire without any entertainment, removes the toy from the car and throws it onto the nearby road. 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.*

*Foxtel rejects the characterisation of the scene as one resembling domestic violence, and does not agree that the throwing of the toy 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).*

*If the throwing of a toy was held by the ASB to depict 'violence', Foxtel's view is that the scene is justifiable in the context of the Advertisement.*

*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 and humorous. Accordingly, we submit that the Advertisement does not breach Section 2.3 of the Code.*

*Further, we submit that the Advertisement does not breach any other provisions of the Code.*

*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.*

## **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 behaviour that could cause distress to children.

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 packing his car for a trip away when he picks up a child's toy. A voice over from the toy starts to taunt him by threatening to annoy him the entire trip. He gets frustrated and throws the toy on the road. He regrets his decision and goes to pick up the toy but before he can reach it, it is run over by a truck.

The Board considered the complainant's concern that the advertisement shows overly aggressive behaviour and that the toy being run over by a truck would be distressing to children.



The Board noted that it had previously considered a similar advertisement from the same advertiser (0001/18) in which:

“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.”

In the current advertisement the Board considered the talking toy was humorous and unrealistic and was a humorous reference to how annoying loud children’s toys can be on car trips. The Board considered that the advertisement doesn’t show excessive anger meant to represent what parents wish they could do and that Chris is seen to immediately regret his actions of throwing the toy and attempts to retrieve it.

The Board considered it is a toy that it run over by a truck, not a person, and this is not a depiction of violence, although it was noted that some small children might be upset by this image.

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

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

