



## Case Report

1	Case Number	0027/14
2	Advertiser	Reckitt Benckiser (Aust) Pty Ltd
3	Product	House Goods Services
4	Type of Advertisement / media	Billboard
5	Date of Determination	12/02/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.3 - Violence Violence
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

Image of a woman from behind: she is standing with her legs apart and we can see an oversized bug on the floor in front of her waving its arms. The woman is holding a can of Mortein Kill and Protect Surface Spray and the text reads, "Shoot to kill".

### THE COMPLAINT

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

*I'll just cut and paste what I sent to Mortein so you get the idea.....  
I would like to inform you of my disgust at your recent ad campaign. I was at Erina Fair Shopping centre at Erina Fair, central Coast and I saw your ad for your insect spray. "Shoot to Kill" it said. I don't know what rock your executive geniuses have been under but are they aware of the increase in violence in Sydney and Australia wide? I wondered too if the ad was placed outside the School in Columbine, Colorado. Just for a laugh? I'm neither conservative OR a prude but my God, what moron thought up THAT insipid and insensitive ad? Are their little devils working for you that are trying to use the increase in violence as a marketing tool? Anyway, the mistake has been made, people have been paid, and children are reading your ad and thinking what the hell...shoot to kill. It's cool. Mortein says it so it must be ok. All products have been placed in bin. All letters wrote to the SMH and Advertising Standard Board...Job done. But at what ridiculous price? Was there anyone on the floor that said, Woah! that aint right. Guess not, in the marketing and advertising world. But we all know*

*that already. Big shame on you MORTEIN.*

## **THE ADVERTISER'S RESPONSE**

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

### *Background*

*The Advertisement is for Mortein Kill and Protect Surface Spray, which provides an “easy reach” and “fast, direct kill” of crawling insects. (Product) The Product is not intended for use by children.*

*The Advertisement depicts a woman in blue jeans, a white t-shirt and flat shoes standing over a cartoon cockroach holding a can of Mortein Kill and Protect Surface Spray. The words “Shoot to Kill” are superimposed on the image.*

### *Complaints*

*In our view the substantive issue raised in the complaints is that the Advertisement presents or portrays violence and contains sex or sexual innuendo in contravention of section 2.3 and 2.4 of the Australian Association of National Advertisers (AANA) Code of Ethics (substantive issue). The advertiser has confined its response to addressing on the substantive issue. To the extent that the advertiser has incorrectly understood the substantive issue, the advertiser respectfully requests the opportunity to provide further submissions to assist the ASB in its consideration.*

### *Submission*

*In making this submission, the Advertiser has considered:*

*1. section 2 of the AANA Advertiser Code of Ethics (the Code of Ethics) as a whole. The Advertiser submits that the only provisions of the Code of Ethics which may have any potential application (but which are not breached by the Advertisement), are:*

*a. section 2.3 which provides that Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised; and*

*b. section 2.4, which provides that “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.*

*2. The AANA Code for Advertising and Marketing Communications to Children (the Children’s Advertising Code). (collectively, the Codes)*

*The advertiser has responded to the substantive issue below, taking into account the above provisions of the Codes.*

### *Response*

### *Section 2.3 of the Code of Ethics*

*In response to the allegation that the Advertisement is potentially in breach of section 2.3 of the Code of Ethics, the Advertiser submits that:*

- 1. The target audience are adult consumers of products which kill crawling insects;*
- 2. The target audience would view the Advertisement as mild and a humorous treatment of the killing of crawling insects. The humorous undertones are emphasised by the cartoon cockroach in the advertisement, consistent with prevailing community standards;*
- 3. The depiction of the woman standing over a cockroach which has its arms in the air and a scared expression on its face is stylised rather than being realistic;*
- 4. The Advertisement is consistent with the product's purpose. The Advertiser submits that there is very little alternative but to use a slogan which includes the word "kill" in relation to the Product which has the primary purpose of killing insects;*
- 5. Mortein has used the words "kill" in association with its products and marketing campaign for a number of years;*
- 6. The Advertisement does not portray or present any violence, or any other graphic content.*
- 7. The language used in the Advertisement is consistent with prevailing community standards;*
- 8. No children are portrayed in the Advertisement, nor is the Advertisement otherwise discriminatory.*

*In further support of the above, the Advertiser refers to the Determination in Parmalat Australia Ltd, Case Number 0427/12 in which an advertisement featured a carton of milk with the words "Kill hungrythirsty dead. In the library with the leadpipe." The Board considered that the use of those words themselves did not amount to a portrayal of violence and noted the humorous undertones of the advertisement. It dismissed the complaint. The Advertiser submits that this is a similar case and that accordingly this complaint should also be dismissed.*

### *Section 2.4 of the Code of Ethics*

*In response to the allegation that the Advertisement is potentially in breach of section 2.4 of the Code of Ethics, the Advertiser submits that:*

- 1. the Advertisement does not portray sex, sexuality or nudity whatsoever. The Advertisement portrays a woman in a white t-shirt, blue jeans and flat shoes. The blue jeans are standard modern blue jeans which are currently worn throughout the Australian community;*
- 2. further the language employed by the Advertisement does not contain any sexual innuendo or anything which might be construed as sexually suggestive;*

3. the Advertisement is entirely consistent with prevailing community standards taking into account the target audience which is adult consumers of household crawling insect killing products.

#### *The Children's Advertising Code*

*The Advertiser submits that The Children's Advertising Code is not applicable in this case because the Advertisement is not Advertising or Marketing Communication to Children (as that term is defined in the Children's Advertising Code). The target audience of the Advertisement is adults (only) such as parents and homeowners. The product is not intended for use by children. Further the Advertisement does not depict or portray children.*

*In light of the above, we strongly urge the Board to dismiss the complaint in its entirety and we look forward to receiving the Board's determination in due course.*

### **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 complainant's concerns that the advertisement depicts a woman in very tight jeans and that it is inappropriate in its use of the phrase "shoot to kill".

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

The Board noted that the complainant was concerned that the advertisement was distasteful and considered that as taste is not an issue under Section 2 of the AANA Code of Ethics the Board cannot consider this aspect of the complaints.

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 that the advertisement features a woman holding a can of Mortein Kill and Protect surface spray and that the tag line is, "Shoot to kill".

The Board noted that the advertised product is a spray to protect against insects and bugs and that there is an animated cockroach standing between the woman's legs. The Board noted that the insect is clearly not real and considered that the depiction of a bug in an advertisement for a bug spray is appropriate.

The Board noted it had previously dismissed an advertisement for the same advertiser and product in case reference 590/09 where it noted that:

“...the advertisement depicts cartoon animated bugs in a typical home. The Board considered that the images of the bugs being 'killed' by the advertised product was animated, not realistic and was in any case relevant to the product (an insect repellent). The Board considered that the violence in the advertisement did not breach Section 2.3 of the Code.”

The Board noted that in this instance that the bug is alive and appears to be challenging the woman in a mock-up of a Western stand-off. The Board noted that the text reads, “Shoot to kill” and considered that this is clearly being used in the context of a spray to be used on insects and bugs. The Board considered that the suggestion of violence towards insects and bugs in the advertisement is justifiable in relation to the product advertised and in the Board’s view the advertisement does not encourage the use of weapons by people.

Based on the above the Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted the complainant’s concerns that the woman is wearing very tight jeans.

The Board noted that the jeans the woman is wearing are figure hugging and considered that they are consistent with current fashion. The Board noted that the stance of the woman with her legs apart is to highlight the stand-off she is having with the animated cockroach and considered that her pose is not sexualised or inappropriate.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

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