



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0049/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Department of Premier and Cabinet (Victoria)</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/02/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children

## DESCRIPTION OF THE ADVERTISEMENT

The 'Good Dad' advertisement shows us a day in the life of a seemingly doting dad, his three year old son and their day out together: ensuring that the boy is sun smart by placing sunscreen and a hat on his son; putting the little boy into a car seat and clicking the safety straps around him snugly; placing him into a swing and clicking the safety belt across the boy; pulling the boy's hand away from a dog he's trying to pat tied up outside the café; and teaching the little boy how to cross a busy street safely.

The commercial then cuts to later when the father and son arrive home. As the two enter the house holding hands, the father trips on a toy truck that has been left out near the front door. After picking up the toy, the father then walks ahead of the son, threateningly approaching his wife in the kitchen where he begins to yell at and abuse her.

As the verbal and emotional abuse continues, we then pan out to see that the son is now an observer of the situation between his parents. We then see the father reaching out for counselling support in the following frame.

## THE COMPLAINT

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

*Loud yelling, screaming at the mother in the ad, really shocked me...i was not prepared for it as it was the first time i had seen the ad. My anxiety level went from zero to ten in an instant. I know this is the reason for the ad to show what family violence is but how is that going to prevent it. As i have suffered from this as a child it all came back to me in an instant.*

*This is demonising men. More women drink alcohol and take drugs while pregnant, putting their unborn child at risk, so why doesn't the Victorian Government make an ad about THAT? WHY?*

*Because only men are ever portrayed as evil, that's why women never! But, the unborn children live ruined lives, and there are more of these than abused wives! So where's the ad? Where?*

*The microscopic, two year long Royal Commission into family violence found that 1 in 6 women had suffered domestic abuse at the hands of a man, not just violence but insults, put – downs, etc.*

*The Royal Commission found that 1-4victoms of family violence was MALE, so the Government must show 1 abused man for every 3 abused women.*

*I was watching Doc McStuffins with my 3 year old little girl. The ads came on and it looked nice enough, the dad spending time with his son, crossing the road correctly etc. then he gets home and yells a lot at the mum. My daughter sat there with a horrified look on her face, something i will not forget. I believe these ads are good for awareness for adults but certainly not appropriate to be shown during children's programs especially when it is said that children can follow in same footsteps.*

## **THE ADVERTISER'S RESPONSE**

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

*We do not believe the campaign contravenes the AANA Code for Advertising and Marketing Ethics with regard to Section 2.1 Discrimination or Vilification Gender, nor does it breach Section 2.3 Violence Causes Alarm and Distress to Children.*

*These advertisements were informed by research, the 2016 Royal Commission into Family Violence, victim survivor groups, and frontline agencies. All scenes and messaging were tested by an independent research firm prior to the campaign's release in December 2016.*

*Violence, particularly family violence, is a major issue in our society that requires a strong Government and community response. It is a complex issue with many variables, and it is a problem that affects many different segments of our community.*

## **RESPONSE TO COMPLAINTS REGARDING DISCRIMINATION OR VILIFICATION OF GENDER**

*According to the Australian Bureau of Statistics (ABS), 95% of all victims of violence*

*reported experiencing acts of violence (physical, sexual assault or threats) from a male perpetrator. According to recent studies from leading Australian organisations Our Watch and VicHealth, “The vast majority of violent acts – whether men or women – are perpetrated by men” (Our Watch, Change the Story, Nov 2015).*

*This is a gendered issue and we have portrayed it as such. It is not sexist as the complainant suggests. Rather, the facts are clear that family violence is, in the vast majority of cases, a male perpetrated crime.*

*Research from the 2012 ABS Personal Safety Survey and Australian Institute of Criminology shows that both men and women in Australia experience substantial levels of violence. The campaign is in no way designed to ostracise male victims of family violence, and the Victorian State Government recognises that a small number of cases exist. Yet, family violence and sexual violence is overwhelmingly committed by men against women, and the campaign has been produced in an attempt to confront this horrifying issue using an uncompromising and direct approach.*

*According to this same research conducted by the ABS in 2012, 89 women from across Australia were killed by their current or former partner between 2008-10, equating to nearly one Australian woman every week, and 36% of women across Australia had experienced physical or sexual violence from someone they knew.*

*Shockingly, for 62% of the women surveyed who had experienced physical assault by a male perpetrator, the most recent incident was in their home.*

*The 2012 ABS Personal Safety Survey also reported that since the age of 15: 1 in 5 Australian women had experienced sexual violence (compared to 1 in 22 Australian men); and 1 in 6 Australian women had experienced physical or sexual violence from a current or former partner (compared to 1 in 19 Australian men).*

*The campaign does not, as the complainant suggest, “...choose only one side”. It is based upon the clear and indisputable fact that men are, by and large, the main perpetrators of violence.*

*Kelly Richards notes in her paper for the Australian Institute of Criminology, Children’s Exposure to Domestic Violence in Australia, “Although estimates vary considerably, research has consistently shown that violent households are significantly more likely to have children than non-violent households” (Bedi & Goddard, 2007; Fantuzzo et al., 2007; Zerk, Mertin & Proeve, 2009), and that violent households have a significantly higher proportion of children aged five years and under (Tomison, 2000).*

*Indeed, children are often a factor in women’s decision to stay in violent relationships (Victorian Department of Justice, 2009). Children can be exposed to violence from birth, and in some cases, even in utero (Bunston, 2008), as pregnancy is a time of increased risk of violence for women, with 17% of women who experience domestic violence doing so for the first time whilst they are pregnant (Morgan & Chadwick, 2009).*

*What the campaign shows are realistic situations recounted by survivors of family violence in courts and the Royal Commission into Family Violence where violence in its many guises takes place, too often witnessed by children. Adam Tomison, Director of the Australian*

*Institute of Criminology notes that “Witnessing domestic violence can involve a range of incidents, ranging from the child only hearing the violence, to the child being forced to participate in the violence or being used as part of a violent incident” (Tomison, 2000).*

*During the development of the campaign, the realism and messaging material was extensively tested with groups of men and women across Victoria, and it was developed in consultation with a group of victim survivors, Our Watch and other family violence service providers.*

*Throughout this process the vast majority of people (both men and women) all responded to the gendered nature of the issue, acknowledging that whilst it happens to men to some degree, it happens in the main to women, and this needs to be called out and identified by the Government as a serious issue.*

*The rapid escalation depicted from caring father to enraged and abusive partner is confronting and may seem unrealistic for some viewers. In order to avoid men dismissing the key message by characterising the scenario as a normal argument, the dad’s reaction has been depicted as completely unreasonable. Interestingly, during the screening of the commercial to victim survivors of family violence, it was indicated that the behaviour depicted was, in fact, consistent with the situations they had experienced and lived in fear of.*

*The survivor groups all noted the realism of the situations, the controlling abusive nature of the violence without the physical violence and the impact of the violence on children.*

#### **RESPONSE TO COMPLAINTS REGARDING ADVERTISEMENT TIMESLOT**

*We have since followed this complaint up with our creative agency (The Shannon Company) and media buying agency (Dentsu Mitchell). Dentsu Mitchell have contacted all networks to check logs and ensure that nothing (including any bonus activity) ran during C time, and we have no evidence from the networks to suggest that the TVC appeared in inappropriate programming.*

*Media placement for all advertising is consistent with ratings from the television shows and CAD authorisation. The ‘Good Dad’ commercial has received approval to run as per the guidelines under M rated commercials.*

#### **CONCLUSION**

*In summary, from our consultation and research with leading academics, survivors and from statistical research, the campaign is a factual representation of the issue, highlighting the statistically true gendered nature of the issue that is neither sexist nor discriminatory and does not contravene the Code of Ethics. We have pursued all possible channels to ensure that the commercial is being broadcast during appropriate programming, and we have no evidence from the networks to suggest that the TVC appeared in inappropriate programming.*

#### **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 features a man shouting at his wife which is distressing and suggests all men would behave in this manner.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted this television advertisement shows a doting dad spending the day with his young son and looking after him in a caring and responsible manner but then losing his temper with his wife when they return home because she has not tidied up the boy's toys.

The Board noted the complainants' concerns that the advertisement suggests all men behave in this manner.

The Board noted the advertiser's response that the advertisement reflects statistics that the majority of family violence is committed by men and considered that it was reasonable for the advertiser to target a particular demographic in order to garner the best results. Consistent with its previous determinations in similar cases (0144/11, 0302/13, 0212/16, 0581/16) the Board considered that by highlighting the issue of domestic violence against women the advertisement does not suggest that only men are responsible for domestic violence or that women could not also be responsible for domestic violence.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 when the man shouts at his wife she appears to be scared. The Board noted that the advertisement is highlighting inappropriate behaviour before showing that help is available and considered that the verbal aggression displayed by the man is violent but in the Board's view it is justifiable in the context of the message.

The Board noted the advertisement had been rated 'M' by CAD which means it can be broadcast between 7.30pm and 6am on school weekdays and between 7.30pm and 6am all other days. The Board noted the complainant's concern that they had viewed the advertisement during a G rated program on a weekday morning, but that they had not provided a time. The Board noted the advertiser's response that the logs of all networks have been checked and the advertisement was not aired outside its permitted 'M' timeslots.

The Board acknowledged that some members of the community who have experienced domestic violence could find the advertisement to be distressing but considered that overall the content of the advertisement is not inappropriate in the context of the important

community awareness message around seeking help for violence and aggressive behaviour.

The Board considered that the advertisement did present or portray violence in a manner that is justifiable in the context of the advertised service and determined that the advertisement 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 complaints.