



Case Report

1	Case Number	0051/14
2	Advertiser	booking.com
3	Product	Travel
4	Type of Advertisement / media	TV
5	Date of Determination	26/02/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

The TVC shows a group of employees playing paintball in a forest as a team bonding exercise as part of the annual company retreat. The TVC depicts one colleague as a comically competitive paintball player, shooting bright pink paintball bullets at his colleagues in "Rambo" style fashion, who are also carrying paintball guns and wearing protective paintball gear, including chest protectors and safety glasses.

At the conclusion of the advertisement, the group of colleagues walk into an open field revealing a luxurious house where the group will stay. At the sight of the luxury accommodation the group forgives their colleague's crazed, competitive paintball antics as he is the one who booked the luxury accommodation (through booking.com).

THE COMPLAINT

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

The high powered black weapons that are used by all the male and female characters and the Team Leader. The weapons are frightening and violent and intimidating and promote war fare and killing and targetting of vulnerable individuals in a forest setting. There is blood spurting everywhere and blood all over their black vests.

They are killing each other with violent weapons.

It is not team building in a positive manner but a destructive and frightening manner. This team building promotes loss of life by war fare. It is like gang war fare training not positive training. And how does this advertisement relate to holiday bookings? It is bloody war fare.

THE ADVERTISER'S RESPONSE

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

Booking.com takes complaints about its advertising seriously and considers itself a responsible advertiser. It takes a proactive approach in respect of its advertising and to this end, prior to the airing of the TVC, Booking.com sought and received legal advice from Australian lawyers who advised that the TVC was acceptable under the Australian law, including in respect of the AANA Code of Ethics.

Whilst we note that the ASB will review the advertisement in its entirety against Section 2 of the Advertiser Code of Ethics, the only provision of section 2 which appears to have any potential application to the TVC with regard to the complainant's comments is section 2.3 (which we maintain is not breached by the TVCs). This section states that:

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

In our view, no violence has been portrayed at all in the TVC. At all times of the TVC, it is clear that the activity depicted in the TVC is paintball with paintball guns, rather than "high powered weapons" as suggested by the complainant. There can be no ambiguity that the guns are paintball guns rather than actual weapons, having regard to the fact that:

(i) the paintballs are bright neon pink and it is clear that the paintballs are bursting on the employees' protective vests rather than hurting them (as opposed to "red blood", as suggested by the complainant);

(ii) the employees are wearing protective gear and eye goggles, which is associated with the sport of paintball; and

(iii) at the end of the TVC, the employees finish the paintball exercise and walk to the accommodation unharmed and with smiles on their faces.

We note also that paintball is a fairly common recreational activity often associated with corporate team bonding exercises. Paintball is considered to be a safe and fun sport if proper protective equipment is worn, such as depicted in the TVC. In our view, it is obvious to the normal viewer of the TVC that the activity depicted is paintball and not actual warfare using real guns and/or resulting in actual injury to the participants.

The TVC is intended to be light-hearted and comical depiction of a relatable situation, namely the fact that in many workplaces there can be people who are very competitive. For example, the uplifting background music heightens the light-hearted and comical nature of the TVC.

As regards the AANA Code For Advertising & Marketing Communications to Children ("Children's Code"), we note that the Children's Code applies only to "Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for [goods, services and/or facilities which are targeted toward and have principal appeal to Children]". As such, we submit that the Children's Code is not applicable to the TVC on the basis that online reservation services for booking accommodation are not services with a principal appeal to children 14 years old or younger.

In light of the above, we submit that the complaint should be dismissed.

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 people using weapons and is frightening, violent and promotes the killing and targeting of vulnerable individuals.

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 that the advertisement features various people engaging in a game of paintball in a forest whilst a voiceover describes this as the “annual company retreat”.

Consistent with its previous determination the Board considered that in this instance the advertisement is clearly depicting a well-known game, paintballing, and not real-life violence. The Board noted that paint is clearly visible on the participants of the game as a result of being ‘hit’ and considered that most reasonable members of the community would agree that the advertisement is depicting a common activity for adults, i.e. paintball, and is not promoting war or the killing of vulnerable individuals.

The Board noted that the weapons used in the advertisement are clearly paint ball guns and not real guns and considered that the advertisement does not present or portray violence.

Based on the above the Board determined that the advertisement 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 noted that all paintballing participants were depicted wearing the appropriate safety equipment particularly safety glasses. The Board noted that at the start of the advertisements the work colleagues appear to be unwilling participants in the paintballing game and considered that this behaviour is not suggestive of being bullied but rather of being beaten in the game by the person who organised it. The Board noted that at the end of the advertisement the colleagues look pleased with the accommodation that has been arranged for them and considered that overall the advertisement does not depict material contrary to prevailing community standards on bullying behaviour 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 complaint.