



Case Report

1	Case Number	0062/15
2	Advertiser	Kelly's on King
3	Product	Bars/Clubs
4	Type of Advertisement / media	Poster
5	Date of Determination	11/03/2015
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

2.3 - Violence Violence

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This poster in a bar features an image of a woman with three pool balls in her mouth. The text is advertising a pool competition on Monday nights as well as information on Happy Hour drinks and food options available.

THE COMPLAINT

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

It shows, condones and indicates violence against women.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response.

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 and condones violence against women.

The Board viewed the advertisement and noted the advertiser had not provided a 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 advertisement features an image of a woman with three pool balls in her mouth next to text promoting pool competition nights on Mondays at Kelly’s on King.

The Board noted the complainant’s concerns that the advertisement depicts and condones violence against women. The Board noted that the image features a woman with three pool balls in her mouth and considered that there is no suggestion that the woman has been forced to do this or that she is unhappy about having the balls in her mouth. The Board noted no text in the advertisement making reference as to why the woman would have the balls in her mouth.

The Board acknowledged that many members of the community would be uncomfortable with this image but considered overall that the advertisement does not depict, encourage or condone violence against women.

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 the limited audience of the advertisement due to its location in a pub and a minority of the Board considered that the image of the woman with pool balls in her mouth is unlikely to be copied by members of the community.

Following considerable discussion however the majority of the Board noted that trying to fill your mouth with excess items can be dangerous and could potentially lead to choking and

considered that the advertisement depicts this practice in a way that can be seen as condoning it and could encourage members of the community to copy the image. The Board considered that the advertisement did depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did breach of Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code on other grounds, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not responded to the Board's upheld determination. The ASB will continue to seek compliance from the advertiser.