



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0080/14
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	26/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Violence
- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement portrays Australia's obsession with NRL by depicting a number of 'simply obsessed' NRL fans and their over-indulgence in Fox Sports. In one scene we see a man ignore a phone call from his partner: her car has broken down and she is trying to contact him for assistance but he watching Fox Sports. In another scene we see Nathan Hindmarsh throw his television remote on to a coffee table where it breaks apart. The montage of scenes is supported by a comical rendition of "Simply the Best" (know as the NRL anthem) where the lyrics have been reworked to align with the theme of the Advertisement.

THE COMPLAINT

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

I don't feel its responsible to show violence in an ad for an entertainment product.

Nathan Hindmarsh is a "good guy" - this ad shows him with a violent streak, not a good role model for kids and makes it look like it's OK to smash things when your football team is losing on TV. As a lover of Footy, it is a good ad but that one piece of content makes a bad example of a player who wouldn't normally smash a remote at home. Poor choice by Foxtel.

Overt disrespect to females by ignoring a call from his girlfriend when her car had broken down in a remote area

THE ADVERTISER'S RESPONSE

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

The complaint relates to the 2014 FOX SPORTS 'Simply Obsessed' NRL advertisement (the "Advertisement"). The Advertisement was approved for broadcast by the Commercials Advice (CAD reference: 1025520) and was assigned a "P" placement code. A digital copy of the Advertisement is attached for your reference.

The aim of the Advertisement is to promote FOX SPORTS as the channel that NRL fans are 'simply obsessed' about. It humorously portrays Australia's obsession with NRL by depicting a number of 'simply obsessed' NRL fans and their over-indulgence in FOX SPORTS. The montage of scenes depicting NRL fans in the Advertisement is supported by a comical rendition of "Simply the Best" (known as the NRL anthem) where the lyrics have been cleverly reworked to align with the theme of the Advertisement.

Section 2.3 – AANA Code of Ethics

We understand that a consumer has contacted the Advertising Standards Bureau alleging that a scene in the Advertisement depicts 'uncontrolled anger in sport'. The basis of this complaint is an alleged breach of section 2.3 of the AANA Code of Ethics (the "Code"), which provides:

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

The consumer is specifically referring to the scene in the Advertisement where a man is seen as being so involved in FOX SPORTS' NRL coverage that he smashes the remote control on the coffee table when the game does not go his way. The choice of talent in this scene was deliberate. NRL fans would recognise the man as Nathan Hindmarsh, a former Rugby League player and captain who is known in the NRL world as a 'gentle giant'.

The scene is intended to be a humorous depiction of a 'simply obsessed' NRL fan and is certainly not intended to encourage or condone violence. When viewed in conjunction with the other scenes in the Advertisement, we believe that it is clear to the audience that this scene is intended to be humorous. Accordingly, we submit that the depiction of Nathan Hindmarsh smashing the remote control does not breach section 2.3 of the Code as the scene is justified by the context of the Advertisement.

Section 2.6 – AANA Code of Ethics

We understand that the consumer is also concerned that the Advertisement breaches section 2.6 of the Code, which provides:

"Advertising or Marketing Communications shall not depict material contrary to prevailing Community Standards on health and safety."

The consumer has referred to the opening scene in the Advertisement where a lady is depicted standing next to a car that is on fire while attempting to contact her boyfriend on the telephone. The Advertisement then cuts to a depiction of her boyfriend who ignores her phone call because he is on the couch watching FOX SPORTS' coverage of the NRL.

The accompanying voiceover during this scene is:

"You call him, you need him, your car's on fire. He said he's at work but you know he's a

liar. He's watching league, he's watching FOX SPORTS on TV."

The intent of this scene is to humorously depict the unfortunate side effect of an 'obsessed' FOX SPORTS fan. The man is so enthralled in the NRL coverage that he ignores a call from his girlfriend who, he does not know, is stranded on the side of the road. The scene is intended to be light-hearted and humorous; it is certainly not intended to condone or encourage a viewer to disrespect women or to behave in this manner. The lady is depicted as being annoyed that she cannot contact her boyfriend however she does not appear distressed or in any immediate danger.

We also understand that the consumer is concerned that a scene in the Advertisement depicts unsafe behaviour. The scene the consumer is referring to is the scene where a female crane driver is depicted watching FOX SPORTS' coverage of the NRL on a tablet when operating a crane. While we do not condone this behaviour, the objective of this scene is to sensationalise the addictive nature of FOX SPORTS. NRL fans are so 'simply obsessed' with FOX SPORTS' coverage of the NRL that they fail to concentrate on the tasks at hand. This behaviour is clearly presented as being foolish and the scene does not encourage the unsafe operation of a crane.

Foxtel submits that it is evident to the audience that the scenes are sensationalised and that the Advertisement is intended to be humorous. Accordingly, we do not believe that we have breached section 2.6 of the Code by depicting material contrary to prevailing community standards on health and safety.

Conclusion

Foxtel takes the concerns of its subscribers and its commitment to the community very seriously. We can confirm that the Advertisement was intended to be light-hearted and humorous; it was never intended to cause offence to its audience.

For the reasons set out above, Foxtel submits that the Advertisement has not breached section 2.3 or 2.6 of the Code.

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 content that is inappropriately violent, promotes disrespect toward women and depicts unsafe work practices.

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

The Board first 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 scenes of different people being so obsessed with the football that they act in unusual ways. One scene includes an ex-football player throwing a television remote down on the table and a crane operator watching footage

on her iPad so that the wrecking ball heads toward an office window. The song in the background is the well known Tina Turner song “Simply The Best”, which has been associated with the NRL for a number of years. The words have been replaced so that the lyrics refer to a person being “simply obsessed”.

The Board first considered the scene of the man throwing the remote control down on the table in front of him. The Board noted that the man is watching the football on his own and as an expression of frustration toward what is happening on the television, he throws the remote downward at the table. The Board considered that most members of the community would be able to relate to the feeling of frustration toward a team’s performance when watching sport and that the action of throwing the remote is an act of frustration and not one of violence. The Board noted that the remote is thrown down on the table and not at another person. The Board considered that in connection with the lyrics of the song the scene is clearly a reaction to the man’s obsession with watching football and not a violent act.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board then considered whether the advertisement was in breach of 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 complainants’ concerns that the advertisement depicts an unsafe situation of a crane operator watching football on her iPad rather than paying attention and as a consequence, the wrecking ball heads toward the windows of an office building.

The Board considered that the above depiction was clearly fabricated to appear that the accident was about to happen. The Board noted that the advertisement was not condoning the operation of a vehicle without concentrating wholly on the job and agreed that reasonable members of the community would recognise that the advertisement is unrealistic in its portrayal of the different scenes.

The Board noted the complainants concerns that the advertisement is disrespectful toward women as a man ignores his girlfriend’s phone call when she is in need of assistance because her car is on fire. The Board determined that the type of behaviour portrayed is not ideal, and is not suggesting that all men would respond in this way and that it is intended to be light hearted and not likely to be mimicked.

The Board noted that they had also dismissed complaints related the same advertisement on Pay TV (ref: 0081/14).

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety 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 complaints.

