



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

1	Case Number	0081/14
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Pay TV
5	Date of Determination	26/03/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 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:

The opening scene is of a single woman standing by a car on fire. She is on the phone to her husband/partner for help. But her partner is watching Foxtels Sports channel so deliberately ignores the call. How dreadful to think that is a 'cool/clever' thing to do to endorse such conduct that leaves a woman stranded and vulnerable in the middle of nowhere. It is very irresponsible advertising to encourage such behaviour!

THE ADVERTISER'S RESPONSE

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

I refer to your email dated 5 March 2014 attaching complaint 0081/14. 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 2.6 – AANA Code of Ethics

We understand that a consumer has contacted the Advertising Standards Bureau alleging that a scene in the Advertisement depicts unsafe behaviour. The basis of this complaint is an alleged breach of section 2.6 of the AANA Code of Ethics (the "Code"), which provides: "Advertising or Marketing Communications shall not depict material contrary to prevailing Community Standards on health and safety."

The consumer has specifically 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.

Foxtel submits that this scene does not depict unsafe behaviour. In addition, 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 2.6 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 scene that implies disrespect to women.

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 famous song by Tina Turner “simply the best”. 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 complainant's concern 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 TV (ref: 0080/14).

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 complaint.