



Case Report

1	Case Number	0082/12
2	Advertiser	Austar Entertainment Pty Ltd
3	Product	Media
4	Type of Advertisement / media	TV
5	Date of Determination	14/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a typical family picnic scenario, with a group of family members playing a game of football. At one point, the ball is passed to an elderly man, who is running with the ball until he is tackled enthusiastically by a younger man, at which point the other players all stare in surprise.

THE COMPLAINT

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

I believe the ad is inappropriate as it portrays excessive violence in sport and inappropriate violent actions of a young person towards an elderly person. I think it gives a bad example to viewers where a happy family game is destroyed by the irresponsible actions of an outsider

THE ADVERTISER'S RESPONSE

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

We refer to your email dated 20 February 2012 in relation to the above and can confirm that the advertisement referred to is no longer on air. It was broadcast between 21 January 2012 and 19 February 2012 and we currently have no immediate plans to re-use the advertisement. We note that the nature of the complaint in question relates generally to a concern of violence. We have considered the complaint and the advertisement in question in light of all of the provisions of the AANA Code of Ethics (“AANA Code”).

The most relevant section is Provision 2.3 which states:

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

We find that the advertisement in question does not breach the above provision for the reasons set out below.

The advertisement in question features a typical family picnic scenario, with a group of family members playing a game of football. At one point, the ball is passed to an elderly man, who is running with the ball until he is tackled enthusiastically by a younger man, at which point the other players all stare in surprise.

Although a tackle is depicted, at no point is the recipient of the tackle shown to be injured. We note that all the other players cease playing once the tackle occurs, however their reaction is one of surprise at the out of place enthusiasm of the intervening tackler rather than of serious concern for the welfare of the elderly man. The actions of the young player are not menacing, threatening or aggressive, and there is no intent to cause any injury, rather the tackle is performed in the context of a spirited football game.

We believe that most reasonable viewers would recognise that the action depicted is very exaggerated and unrealistic and is intended to be a cheeky and irreverent depiction of a person who, as the tagline of the advertisement suggests, takes rugby league too seriously. In our view most reasonable viewers would not consider the scenario to be a depiction of a real life situation. Further, the reaction of the other players indicates that they do not condone such behaviour, which most reasonable viewers would consider to be an indication that the behaviour depicted in the advertisement should not be mimicked. The advertisement as a whole is cheeky, light-hearted and irreverent in tone, and is intended to be taken by viewers in the same manner in which it was created, namely as a celebration of rugby league and the associated passion of its fans.

We understand that the complainant has a particular concern that the advertisement appears to depict an elderly man being tackled by a stranger. However, there is nothing in the advertisement which indicates that the young man tackling the old man is a stranger, and in our view the most likely interpretation of the scene is that the young man is simply a member of the family participating in the game, who has clearly gotten carried away playing the game.

Finally, it is our view that in the context of the product being advertised, namely rugby league football games being broadcast on a subscription television service, the level of violence portrayed in this advertisement is justifiable (if indeed it could be considered violence which we would submit is not the case for the reasons set out in our submission). Rugby league is a contact sport and tackling is a recognised part of the game. On that basis, reasonable viewers would not be offended by the presence of a tackle in an advertisement that is intended to promote and celebrate the sport of rugby league. Further, the tackle depicted in the advertisement itself is consistent with a common tackle that would occur in a typical football sporting match and is not one that would be regarded as dangerous by the game’s own rules.

We note that the ASB has previously considered advertisements of a similar nature, such as Case No. 128/11 in relation to a Hungry Jacks television commercial. In this case, it was determined that the depiction of a man charging and tackling another man after eating a

burger and acting like a bull was relevant to the product being advertised, and further, that the level of violence portrayed in the advertisement would be understood by the viewers as exaggerated, unrealistic, and not behaviour to be mimicked. There is scope for similar considerations to apply here, as, in our view, the level of violence depicted in the advertisement is also unrealistic and light-hearted in tone, and is justifiable in the context of the product being advertised.

Accordingly we find that the advertisement does not breach Provision 2.2 of the AANA Code. We have considered the other provisions of the AANA Code and do not consider that the advertisement breaches the Code on any other grounds.

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 is inappropriate and shows excessive levels of aggression and violence.

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 of the Code 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 depicts a group of family members and friends relaxing and playing in a park setting. The mix of people are playing a game of football when a young, fit male runs toward the older gentleman carrying the ball and tackles him to the ground.

The Board considered that the advertisement shows unrealistic and exaggerated scenes that were intended to be humorous and lighthearted. The Board considered that most members of the community would not consider the advertisement to be a real life situation or behaviour that would be mimicked.

Overall the Board considered that the fanciful and exaggerated context of the advertisement minimised any suggestion of actual violence and did not condone attacks on other people.

The Board considered that the level of violence depicted is justifiable in the context of the product being advertised and 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 complaint.

