



Case Report

1	Case Number	0112/13
2	Advertiser	Ubank
3	Product	Finance/Investment
4	Type of Advertisement / media	TV
5	Date of Determination	10/04/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Race
- 2.3 - Violence Graphic Depictions
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A man is raking leaves in his backyard. His neighbour walks over to ask him about something odd he's spotted in the man's yard. We see that the object in question is a volcano that is spewing liquid gold. The man explains to the neighbour that the volcano isn't actually real, it's only a metaphor for the savings he is making by refinancing his home loan with UBank. The neighbour is fascinated by the idea that the volcano is a metaphor and puts his hand in the liquid gold puddle. He laughs at the liquid gold covering his hand, then, realising it's actually hot he lets out a scream. The TVC closes with a VO explaining that you can save over \$1,000 a year by refinancing with UBank.

THE COMPLAINT

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

The ad is intended to take humour in a person's pain at being burned by molten metal after understanding they cannot be hurt by a metaphor.

The screams are intended to convey extreme pain as would be expected from a molten metal burn.

The man being burned is black and it seems to me that this is meant to appeal to the sense of humour of people who are racist.

The ad is played on TV in early daylight hours when children are likely to be watching and I do not want to explain to my children that the man is screaming because he is badly burnt and the advertisers think this idea is funny.

I may be misinterpreting the advert, but to me the man is meant to have gone crazy - sticking his hand into molten gold, laughing like a mad-man, then screaming (really, really screaming like he's burnt his hand). I find it really disturbing the way he deliberately hurts himself, and the scream isn't comical, its pretty blood curdling. It seems a very dark concept to me, and also seems out of place.

I found it distressing to watch a person plunge his hand into molten metal (gold) and scream in pain. This is a bad message to convey, it may have racial overtones, and portrays a person who is suffering in pain. It's in very bad taste.

THE ADVERTISER'S RESPONSE

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

UBank recognises that as at 26 March 2013 a complaint has been raised with regards to the above advertisement concerning the following areas - 2.1 Discrimination or Vilification Race, 2.3 Violence Graphic Depictions, 2.6 Health and Safety within prevailing Community Standards.

In response to the complaints made UBank would like to advise that in no way is this advertisement intended to cause discomfort, alarm or distress or to be seen as graphically depicting violence against the character that appears within it. In actual fact the intention was to use comedy and absurdity to capture our consumer's attention and make them question their current home loan arrangement. We wanted to leave them with a laugh and smile so that they positively associate with the UBank brand.

The focal point of the ad is a volcano growing out of a man's backyard that is spewing liquid gold. It is meant to be utterly fantastical, over-the-top, and ridiculous. It is for these reasons that the hero of the spot states, in a matter-of-fact way, that the volcano is simply a 'metaphor.' The metaphor allusion is intended to let our audience in on the joke in a tongue-in-cheek way.

Given the entire ad depicts a make-believe situation that wouldn't be possible in 'real life', the end scene – in which the neighbour realises the liquid gold is actually hot and screams – is intended simply as a humorous and light-hearted twist on what people might expect would happen. The end scene was directed carefully to ensure the scream came across as comedic, absurd and farcical (borderline slapstick) so that it would be humorous to audiences and not upsetting. It is not intended to look like a real-life situation and we were careful to ensure that the neighbour does not actually appear to be hurt or injured by the gold. Any potential surprise or distress as a result of this scene is alleviated by the sheer infeasibility of the

situation.

To the above point, we went through an extensive casting process to find an actor that would be able to perform in the most humorous and over-the-top way as possible. We wanted the dialogue and action between the neighbour and the hero actor to be as ridiculous and silly as the volcano itself. It was for this performance quality that the actors were chosen and therefore it had nothing to do with the ethnicity of the actors. The casting brief was open to all races, ethnicities, and genders.

To further address the question of race, the act of placing one's hand in liquid gold is not something that is commonly associated with a certain race or shows racial discrimination in any way. The protagonist (owner of the volcano) is not trying to hurt the neighbour or cause him harm – in fact he looks quite shocked and aghast when the neighbour decides to put his hand in the puddle.

Closing remarks

Thank you for your time in reviewing this matter.

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 racist in its depiction of a black man hurting himself whilst a white man watches, and is contrary to prevailing community standards on health and safety.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race...'

The Board noted that the advertisement features a man in his garden explaining to his neighbour that the volcano on his lawn is a metaphor and that when the neighbour places his hand in the volcano his hand is burnt by the liquid gold coming out of the volcano.

The Board noted the complainants’ concerns that because the neighbour who gets hurt is black and the volcano’s owner is white the advertisement has racist overtones. The Board noted the Advertiser’s response that the actors were chosen based on their acting ability and

not on their race or ethnicity and considered that most reasonable members of the community would not find that the advertisement is depicting material which is discriminatory towards a person based on their skin colour.

Based on the above the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 the complainants’ concerns that the reaction of the man putting his hand in the volcano’s lava is distressing as he appears to be in real pain. The Board noted that the man is shown screaming once, briefly, before the advertisement switches to a voiceover. The Board considered that the man chose to put his hand in the lava despite being told that it was a volcano and that his reaction is in keeping with comical reactions of joy because it the lava is gold rather than actual pain.

The Board noted that the advertisement depicts an unreal situation and considered that that the level of violence portrayed is very mild and is self-induced.

Based on the above the Board determined that the advertisement did not depict material which would be in breach of 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 the actor in the advertisement makes it clear that the volcano is a metaphor and is not real. The Board noted that volcanos are not found in people’s back yards and are therefore not likely to present a real risk to the community. The Board considered that the advertisement does not condone or encourage members of the community to partake in dangerous behaviour.

Based on the above the Board determined that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

