



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0116/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Ubank</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/04/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Cruelty to animals

### DESCRIPTION OF THE ADVERTISEMENT

A man onboard a plane, during a flight, is standing in the aisle struggling to release his luggage from one of the overhead lockers. All of a sudden the bag is released with enough force to pull him down the aisle, into a trolley and from the plane. The next scene cuts to him falling through the sky from the plane and towards a forest. He is then seen landing on the forest floor, alive and uninjured. Here he looks up to be presented by what appears to be a wolf and then witnesses the wolf being struck by his luggage which has also fallen from the plane. The advertisement ends with a pause back onto the man's face – which is then covered by the end frame which displays the UBank branding and the campaign tag line of Since Today. During the advertisement the man is accompanied by a voiceover which focuses on questioning big decisions in life and ends with raising a question about changing the way you bank.

### THE COMPLAINT

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

*I found it quite frightening. I felt the image of him being sucked out of the plane was too graphic and will stay with me in an unpleasant way. With terrorism this image reminds me of real threats. I'm a grown up and I fly a lot so I'm not usually spooked easily but this is too much. Also I hated the wolf being crushed by the suitcase. It is violent and offensive to an animal lover like me. Thank you. I hope I don't have to see this ad again.*

*Having experienced personal trauma on a plane watching the ad making light of a plane getting an air hole in it was a bit scary and then to watch a man fall out of it was going a bit far. However to see the man land on the ground as if dead was horrible. It is not pleasant to see someone die and to make light of a very serious situation is reprehensible. I was very distressed to watch it as I could envision myself doing that and it is horrid. Then to watch the wolf being killed by the luggage was far beyond traumatic. It is a far too graphic advertisement and I feel very distressed after watching it as it is not something that I would ever like to experience in my life and it is a shock to see it on an ad that has no relevance to planes, luggage, wolves or falling from the sky. If my children ever saw it they would be very distressed as we do not graphically describe to them anything that is on that ad. My husband watched it and said it was far too graphic as well.*

*Any portrayed animal cruelty is completely unnecessary and irresponsible!*

*The ad was quite scary when the man fell through the air and then hit the ground I jumped and then when the briefcase fell and killed the wolf I thought that was just terrible!*

## **THE ADVERTISER'S RESPONSE**

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

*In response to your letter dated 14 March 2012 (reference 0116/12) regarding consumer complaints about our recent UBank television advertisement, pursuant to the AANA Advertiser Code of Ethics (the Code); we confirm there was no form of violence or cruelty to animals in the production of the advertisement, under section 2.3 of the Code.*

*The advertisement is not intended to cause discomfort, alarm or distress to its target audience. In fact the intention of the advertisement was to add comedy to a dramatic situation which is very unrealistic and to be viewed as absurd.*

*The situation being portrayed is so unrealistic that it emphasises more the UBank message rather than cause harm*

*Prior to release, the tone and mood of the advertisement was discussed at length during the pre-production stage and all associated parties agreed it was imperative the advertisement would in no way be violent, frightening, morose, injure or harm animals. The approach and treatment are unmistakably light-hearted and the absurdity of the hero's situation is reflected at every stage, including his sensational (but hidden) exit from the aeroplane, his very calm state during the fall and his miraculous survival with the utterly unbelievable landing. Any potential alarm or distress is alleviated by the sheer ridiculousness of the situation and the positivity that builds through the advertisement, with the hero being given the opportunity of both life and choices.*

*The absurdity and improbability of the wolves being hit by falling items from the aeroplane, depicts survival of the hero much like that used in children's animations, where there is no harm to the hero after elimination of the real harm, under the circumstances. The dogs used in the advertisement were experienced animal talent and were stylised to depict wolves. They were handled using an accredited animal wrangler and were treated according to all regulations. As you will be able to deduct from the advertisement the wolves' unfortunate end was created using special FX, which should counter viewer fears of actual animal cruelty.*

*Closing remarks*

*Thank you for your time in reviewing this matter. Should you require any further information from UBank on this matter please do not hesitate to contact me.*

## **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 was frightening and distressing and shows an unnecessarily violent scene toward the wolf.

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 shows a man being sucked from the plane landing and a wolf being struck by his luggage.

The Board considered that the entire advertisement is intended to be unrealistic to the point of being absurd. The Board noted that while some people may be distressed by the man being sucked from the plane, most members of the community would see this as unrealistic and in the context of the whole advertisement would understand that this is not intended to cause distress but rather to add an element of humor and fantasy to the advertisement.

The Board noted that the scene showing a suitcase falling from the sky onto the wolf is so far-fetched that it is unlikely to cause alarm or distress to most children and adults alike, particularly as the advertisement did not depict any graphic material and did not present or portray violence in a realistic manner.

The Board determined that the advertisement 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.

