



Case Report

1	Case Number	0127/15
2	Advertiser	Blumers
3	Product	Professional Service
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	15/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Graphic Depictions

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is shown in 15 and 30 second lengths. Both depict two workers with a sheet of wood and a circular saw. One worker operates the saw and the other, with no gloves, wraps his hand over the edge of the wood sheet to help steady it as circular saw approaches. Vision shot from below shows blade approaching fingers. Film cuts away just as blade edge reaches fingers, to show x-ray of hand with finger tips missing. The scenario is described by a male voice over as a true story and says that you should use Blumers because "you deserve justice".

THE COMPLAINT

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

The content suggested imminent graphic content which my wife and I found so shocking and confronting we both turned away from the TV. While the ad stopped before the suggested image, it still left us both feeling that it was an entirely inappropriate and needlessly shocking approach.

THE ADVERTISER'S RESPONSE

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

This advertisement is one of a series that incorporate details of a previous client's injury, by permission. The advertiser felt it essential to outline how simply and quickly industrial accidents can happen. The spots accurately portray the events described by the victim. The intention was to depict an actual industrial accident in much the same way as automotive accidents are shown in road safety commercials. As the complainant noted, the scene of the saw is cut short to eliminate any disturbing images. No intersection of hand and saw is shown, merely intimated. In every way of planning this production, the advertiser avoided suggestion of gore or actual injury which may be upsetting. Section 2 of the AANA Code of Ethics allows for violence which is justifiable in the context of the product or service advertised. Section 2 also allows for material shown that falls within prevailing community standards on health and safety. The physical injury intimated in this advertisement is central to the service provided by the Advertiser and is shown in a way which is sympathetic to the audience by intimating the outcome and avoiding any actual depiction or portrayal of blood and gore, physical damage, and instead goes on to focus on the more clinical representation of the injury by x-ray footage. The intent is to show how simply such industrial accidents happen to those without attention to known work health and safety requirements.

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 complainant’s concerns that the advertisement features a power saw and implies it is about to come in contact with a hand.

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 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 this advertisement for a law firm features what it describes as a ‘true story’ featuring an employee who loses the tips of his fingers in a workplace accident.

The Board noted that whilst we see the build up to the accident and the subsequent x-ray image which shows that the fingertips of a hand are missing the actual accident itself is not shown. The Board noted that many viewers would feel squeamish at the thought of a man having his fingertips sliced off but considered that the advertisement clearly signals what is about to happen and that whilst there is a high level of suspense there is no actual image of violence.

The Board noted it had previously dismissed similar complaints about workplace safety advertisements (0197/13, 0062/14) and considered that although this advertiser is not promoting community awareness it is promoting an important service to assist those who suffer a workplace injury such as the one depicted in the advertisement. The Board noted that there is no actual violence depicted in the advertisement and considered that the suggestion of violence is not inappropriate in the context of the product or service advertised.

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.