



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0138-20
2. Advertiser :	OPSM
3. Product :	Professional Service
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	22-Apr-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement has a 15second and 30 second version. Both feature actor Liam Hemsworth walking into a store and telling the employee he's there to pick up his glasses. The employee asks what they're all for and Liam replies, "well, family time, cooking, outdoor time, and generally staying humble." A montage of him at home is shown, including him playing checkers against a young boy and flipping the board, playing tennis alone using an extinguisher to put out a kitchen fire and standing outside his front door eating a banana whilst people take pictures of him.

THE COMPLAINT

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

*This ad portrays violence in a home setting . It's not OK. I'm a family law barrister and in the setting of the virus family violence instances are increasing for obvious reasons. Gratuitous violence should not be on TV like it's ok when you're listening to music or playing a game with a kid and you don't like the play
The OPSM ad seen on the same Chanel 9 at about 7.30pm portrays violence in a family home and destruction because you cannot feel like it. That doesn't wash in my view given serious and chronic instances of family violence which should not be normalized or it be suggested it's ok a guy who wants OPSM glasses.*



I object to the part where he says 'family time' and he is depicted with a young child playing a board game that he then swipes (with force) the board game off the coffee table and it becomes airborne. I consider this to be violent in front of a child. It also sends a clear message to children that this is how you behave if you finish a boardgame or if you lose a boardgame. Really not a good message sent to children or adults who have been victims of domestic violence.

THE ADVERTISER'S RESPONSE

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

Introduction and overview

Thank you for the opportunity to respond to the complaint 0138-20 made in relation to the OPSM television commercial for OPSM ("OPSM TVC"). Luxottica Retail Australia Pty Limited operates OPSM stores in Australia.

We note that a complaint has been made about the OPSM TVC on the grounds that it has been alleged to breach clause 2.3 of the AANA Advertiser Code of Ethics which relevantly provides that Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The OPSM TVC and the complaint

The CAD rating for the OPSM TVC is G for the 30 second and the 15 second. The overall tongue-in-cheek tone depicted in all scenes of the OPSM TVC is demonstrative of our intent to be humorous and slightly satirical by essentially making fun of the ego of a Hollywood movie star, who claims to be 'generally staying humble' which he really isn't. The OPSM TVC depicts Australian actor Liam Hemsworth, who was 29 years old at the time of filming, visiting an OPSM store to pick up several pairs of glasses. When asked by the store assistant what the glasses are for, the actor looks into the distance and is shown wearing the glasses for various activities including to play checkers with a child; playing tennis; cooking in his kitchen and opening the door to the flash of paparazzi cameras. The advertisement finishes with the actor stating that he is "generally staying humble" and ends with him leaving the shop assistant with a signed headshot of himself before exiting the store.

Complaints have been made about the OPSM TVC on the grounds that it has been alleged to breach clause 2.3 of the AANA Advertiser Code of Ethics. The complaints made are as follows:

- Complaint made on 27 March 2020 states that: "This ad portrays violence in a home setting. It's not OK. I'm a family law barrister and in the setting of the virus family violence instances are increasing for obvious reasons. Gratuitous violence should not be on TV like it's ok when you're listening to music or playing a game with a kid and you don't like the play The OPSM ad seen on the same Channel 9 at*



about 7.30pm portrays violence in a family home and destruction because you cannot feel like it. That doesn't wash in my view given serious and chronic instances of family violence which should not be normalized or it be suggested it's ok a guy who wants OPSM glasses.

- *Complaint made on 30 March 2020 states that: "I object to the part where he says 'family time' and he is depicted with a young child playing a board game that he then swipes (with force) the board game off the coffee table and it becomes airborne. I consider this to be violent in front of a child. It also sends a clear message to children that this is how you behave if you finish a boardgame or if you lose a boardgame. Really not a good message sent to children or adults who have been victims of domestic violence."*

Luxtottica Retail Australia Pty Limited's response

Luxtottica Retail Australia Pty Limited is a responsible company, and OPSM has operated in the healthcare and eye care sector for over 85 years. We ensure that our advertising is pre-vetted by our in-house legal team prior to publication and in many cases, we have our advertising campaigns externally vetted by experts in the advertising law field. It has always been our intention for OPSM's Advertising or Marketing Communications to comply with the law and not to depict material which unjustifiably presents or portrays violence.

We reject the characterisation of the checkerboard scene as one that resembles or depicts violence or domestic violence and we do not agree with the assertion that flipping of the checkerboard is akin to domestic violence or violence of any kind. As set out above, the overall satirical intent and comical tone of the advertisement is to make fun of an Australian Hollywood movie star (probably best known for his role in The Hunger Games) in a light-hearted manner.

The script reveals that Liam Hemsworth is playing checkers with his (fictional) nephew who jumps all his checkers to win the game in one epic move saying "King me". Liam, flips the checkerboard which is seen travelling through the air for about a second away from the them and towards the screen. His actions can best be described as an involuntary moment of annoyance directed towards being beaten at checkers by his nephew, but falls considerably short of any pre-mediated violence against a person. Dissecting the 1 – 2 second vignette in question, there no violence directed towards the male nephew in the scene. The checkerboard and its accompanying pieces move in a direction away from the people. The nephew is not hurt or threatened in any way and when looking closely at his reaction, there is no sense of fear, alarm or danger portrayed. He observes it in the manner in which the director intended – tongue-in-cheek. He beat his movie star uncle and is the clear proud winner/king. There is no domestic violence involved – no person is hurt or harmed in any way. It was a light hearted game of fun. The scene is over in a blink of an eye and moves onto time on the tennis court.

We note that a similar complaint against a Foxtel TVC featuring Chris Hemsworth (Liam's older brother) in Complaint 0001-18 was dismissed by the Community Panel. In that case, the Panel determined that throwing an annoying talking teddy bear out



of a car window which was subsequently run over was not violence or domestic violence as it involved an inanimate object and did not involve violence against a person. We would invite the Community Panel to follow this line of reasoning here. We believe the advertisement to be fully compliant with section 2.3 of the AANA Code of Ethics and submit that if the Community Panel finds that there is violence towards a checkerboard (if there is such a thing which is denied), it is justifiable in the circumstances described above. No specific complaint has been registered for other sub-sections of the AANA Code of Ethics, however we believe that the advertisement complies with the standards required for all other points within section 2.

We note that the OPSM TVC initially ran for several months during 2019 without any complaint. In the most recent March 2020 media schedule for the OPSM TVC, we understand that although it has a "G" rating, there was no deliberate placement of the OPSM TVC in shows directed principally towards children. The OPSM TVC is focused towards adults who are potentially short-sighted and sufficiently (tongue in cheek) "movie-star vain" to not want to acknowledge that they might need glasses to play indoor and outdoor games like checkers or hit tennis balls, cook or clearly focus on see the faces of other people (fans) in the distance. There is humour in the OPSM TVC and the intention was to be light hearted. Finally, we received a CAD number from Free TV in compliance with the requirement before any TVC can be aired on free to air television. We sent in the script and a copy of the TVC for formal classification and Free TV did not see any of the content/themes presented in the script and corresponding vision as being violent or in contravention of the AANA Code of Ethics and classified the TVC with a "G" rating.

OPSM takes complaints seriously and does not condone or encourage domestic violence or violence of any kind. We regret any offence that this may have caused to the complainants.

We respectfully request that the complaint be dismissed.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement portays violence in a home setting and sets a bad example to children.

The Panel viewed the advertisement and the noted the advertiser's response.

The Panel noted a complainant's concern that the advertisement sets a bad example for children by depicting a man ruining a game that he is losing. The Panel noted that the issue of setting a bad example to children is not a matter within the Code and the Panel could not consider that aspect of complaints.



The Panel 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 Panel noted that the Practice Note for the Code provides: "Realistic depictions of the consequences of violence are not acceptable. More leeway is permitted where the depiction is stylised rather than realistic."

The Panel noted that the boy does not startle when the game is flipped, and watches Mr. Hemsworth walk away. The Panel considered that the impression of this scene is that Mr. Hemsworth is behaving childishly, as a sore loser, and the child is more mature.

The Panel noted that other scenes in the advertisement depict Mr. Hemsworth in an unflattering light, and considered that the humour in this is that he is generally highly-regarded and known to be a nice, down-to-earth celebrity and the concept of the advertisement being to depict behaviour that is very out of character.

The Panel considered that the scene with the game depicts a stereotype of common occurrence in family games. The Panel considered that the depiction of this stereotype is clearly seen to be taken with bemusement by the child, and is a depiction of bad behaviour and would not be considered violent behaviour in the context depicted. Should the behaviour be seen as violence, the Panel considered that the child is not scared or concerned and that the violence depicted in the advertisement was very brief and mild and not directed towards the child.

The Panel acknowledged that violence in the home is a significant issue of concern in the Australian community and that advertisements should not condone or normalise behaviour which suggests such behaviour is acceptable.

The minority of the Panel considered that the demonstration of such behaviour while playing a game with a child was aggressive and unnecessary, and considered that such behaviour should not be promoted in an advertisement.

The majority of the Panel considered that the advertisement was clearly humorous and considered that the child did not appear alarmed by Mr. Hemsworth's behaviour. The majority considered that most members of the community would not consider this advertisement to be condoning or endorsing violence in the home.

The majority of the Panel considered that the advertisement did not depict violence and did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.