



Case Report

1	Case Number	0149/13
2	Advertiser	Gleamous
3	Product	House Goods Services
4	Type of Advertisement / media	Radio
5	Date of Determination	22/05/2013
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.3 - Violence Domestic Violence

DESCRIPTION OF THE ADVERTISEMENT

A man describes the features of the Gleamous hot water system and toward the end we hear a woman scream as she has her hand placed in the water to test how hot it is. The man then says that the woman now believes him and that she is suing him.

THE COMPLAINT

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

The use of force on anyone and do them harm by scalding their hand to prove the point is abhorrent.

Also there is the domestic violence issue, would he demonstrate this way with a male friend?

THE ADVERTISER'S RESPONSE

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

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

This ad has simply been produced and is presented as a tongue in cheek response to someone not believing something. The women's scream is simply there to highlight how hot the water

is. The ad doesn't infer we kept the hand there- there by burning the hand, it simply was meant to highlight that how with a Gleamous Hot Water system the water stays hot- but not burning hot. However as a touch of hyperbole and humour we suggest that the woman actually sues her boyfriend.

In regards to the actual complaint; At no stage did we say he 'forced' her hand under the tap we simply say he 'placed' her hand under the tap.

Regarding the suggestion "would he have done this to male friend?"- he could have- we just wanted a male/female balance on the ad so there is a distinction of voices- very important for radio where pictures can't tell the story.

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 concern that the advertisement portrays an inappropriate and violent act.

The Board listened to 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 the complainants' concerns that the use of force to make somebody do something and to harm them in doing so is unacceptable and unnecessary.

The Board noted that in the advertisement the audience hears a woman in distress at having her hand put under hot water and considered that the sound of the woman is intended to sound as if the person is in pain. The Board noted that the woman is heard to scream for some time. The Board noted that in addition to placing the woman's hand under the water, the man mentions that she now believes him about the temperature of the water but that she is also suing him.

The Board noted that although the advertisement is intended to be humorous, it depicts a scenario that is intended to sound as if someone is in pain and that the addition of the comment that his girlfriend is now suing the man, suggests that the woman was actually harmed.

Although obviously the actor in the advertisement is not harmed, the Board considered that the advertisement is suggestive of violence against a woman and that this suggestion is not justified by the product or service being advertised.

Based on the above the Board determined that the advertisement did depict material which would be in breach of Section 2.3 of the Code.

Finding that the advertisement breached the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

Gleamous Hot Water have decided to stop all advertising of this ad until it is adjusted to suit parameters.