



Case Report

1	Case Number	0152/17
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/04/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Hooliganism-vandalism-graffiti

DESCRIPTION OF THE ADVERTISEMENT

Foxtel advertisement promoting the launch of the upcoming AFL season on the Fox Footy Channel on the Foxtel service. The advertisement takes fans behind the scenes of the Fox Footy channel offices and is led by Jonathan Brown, the former Brisbane Lions captain; along with cameos from Paul Roos, Brad Johnson, Eddie McGuire; as well as current AFLW player Brianna Davey and AFL player Jordan Lewis.

THE COMPLAINT

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

The female player who was at a drink vending machine and deliberately kicked the vending machine for it's so called poor delivery of product. The fact that this very action promotes vandalism, shows complete disregard for other people's property and gives a message to our younger audiences that it's OK to do this, and what's worse it again shows that football players are above the law and can do what they want when they want, either on field, in public eye and on commercials.

This advertisement need to be removed immediately. Or edit that offensive part from the commercial.

THE ADVERTISER'S RESPONSE

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

We refer to the Complaint made against Foxtel Management Pty Ltd (Foxtel) which was received from the Advertising Standards Bureau (ASB) on 23 March 2017.

The Advertisement celebrates Fox Footy's inclusive, unbiased coverage of the upcoming season under the theme "Everyone's team deserves to be seen". The Advertisement takes fans behind the scenes of the Fox Footy channel offices and is led by Jonathan Brown, the former Brisbane Lions captain; along with cameos from Paul Roos, Brad Johnson, Eddie McGuire; as well as current AFLW player Brianna Davey and AFL player Jordan Lewis.

One scene of the Advertisement depicts Brianna Davey purchasing an item from a vending machine. After this item becomes stuck, Brianna taps the bottom of the machine once with her foot to dislodge the purchased item. The words "Hungry for Victory" are written on the vending machine as Brianna reaches for the item.

The Advertisement was approved by the Commercials Advice (CAD reference: G4FXRMPA) for broadcast on free-to-air channels and was assigned a "G" placement code.

The Complaint

The Complaint includes the allegations that the Advertisement "promotes vandalism" and "shows that football players are above the law".

Applicable Sections of the AANA Code of Ethics

The Complaint relates to Section 2 (Section 2) of the Australian Association of National Advertisers Code of Ethics (the Code).

Section 2.3

The ASB has raised Section 2.3 of the Code (Section 2.3) as the applicable section in the context of this Complaint:

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

Foxtel submits that the Advertisement does not breach Section 2.3 as it does not present or portray actual violence.

Brianna lightly taps the vending machine once in order to release a purchase caught in the machine. We contend that this behaviour is not consistent with any menacing, aggressive or destructive intentions and there is no suggestion that Brianna is engaging in this behaviour to cause damage or harm. Further, the vending machine is not shown to be damaged in any way by Brianna's actions.

Foxtel contends that the scene depicted does not amount to the presentation or portrayal of vandalism or violence towards public property. We submit that there is no depiction of violence as understood by most members of the community and, accordingly, no breach of Section 2.3.

Section 2.6

Foxtel also chooses to comment on the Advertisement's compliance with Section 2.6 of the Code (Section 2.6) as the Complaint alleges that the Advertisement "promotes vandalism". Section 2.6 requires that:

"Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."

As above, we submit that no vandalism was depicted in the Advertisement. The Advertisement is intended to be a comical and light-hearted juxtaposition of aspects of an AFL match day (colourful team banners, players in full uniform) and an everyday office environment and does not encourage or endorse the replication of the scenarios depicted in the Advertisement.

Further, we submit that the Advertisement does not contravene Section 2.6 as it does not depict any dangerous or risky behaviour that is contrary to community standards of health and safety. It is further contended that the scene in question is not a depiction of an unsafe practice or an activity that can cause injury.

Accordingly, Foxtel submits that it has not breached Section 2.6.

Foxtel takes the Complaint very seriously and did not intend to cause any offence to the complainant. To the best of our knowledge, we have not received any complaints regarding this Advertisement.

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 depicts vandalism and shows a disregard for other people's property.

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 that the television advertisement shows various scenes and personalities in the Fox Football offices. In one scene Brianna Davey (women's AFL player) is standing near a vending machine and she kicks the bottom of the machine to help dislodge the item she is trying to buy.

The Board noted that the issue of items getting stuck in vending machines is one that most members of the community are familiar with. The Board noted that the woman does not kick the machine very hard but rather gives it a small tap with her foot.

The Board noted that it had previously upheld an advertisement for the NRMA (0256/10) where a person shakes the vending machine from the top to dislodge a chocolate bar. In that

case the Board considered that “the depiction of the person shaking the machine is a depiction of an activity that can cause harm. The Board considered that this depiction would be considered to be a depiction of an activity that most people would consider unsafe behaviour.”

Contrary to the above advertisement, in the current advertisement the woman gives the machine a small kick at the bottom. The Board considered that her actions were not ones that were likely to be considered unsafe and she is not seen showing anger or frustration with the machine, her actions were not of a violent nature.

The Board considered as the woman is not showing aggression toward a person or prolonged frustration at the situation, it did not amount to a violent act.

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.