



## Case Report

1	Case Number	0157/10
2	Advertiser	The Mercury (Newspaper)
3	Product	Media
4	Type of Advertisement / media	TV
5	Date of Determination	28/04/2010
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.3 - Sex/sexuality/nudity      Treat with sensitivity to relevant audience

### DESCRIPTION OF THE ADVERTISEMENT

The TV advertisement opens with a man reading "The Mercury" newspaper in a library. When a female climbs on a step ladder she notices the man look up from the paper and smile. She lets down her hair, leans over in her low cut dress to write her mobile number on his newspaper, which he then uses to swipe her. End image "Nothing comes between me and my Mercury" "Mercury: the voice of Tasmania"

### THE COMPLAINT

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

*The first time I viewed this ad I felt uneasy. After watching it a number of times I have become increasingly offended by the mixed messages. I work in an industry where abuse against women occurs and I see the effect this has on children and the way in which they view relationships. Initially the male and female both appear interested in each other. The ad is trying to convey that nothing stands between the reader of the Mercury not even the mutual attraction of the male and the female. In this ad the male is portrayed as being physically aggressive and the female is being treated with disrespect. I understand that this ad is meant to be humorous and is the last of a mostly amusing series of Mercury ads but I feel this one over steps the line of what is acceptable and sends a negative message.*

*I find this ad quit distressing as it depicts violence against women. If it affects me so badly it must be particularly distressing to any woman who has been the victim of such violence. I understand that I can turn the television off if am offended or distressed but do enjoy a number of your programs and just wish that this ad would be removed so that I don't have to witness violence of this nature so frequently.*

*I request that you remove this ad in the interests of not further normalising violence against women in our society and that you suggest to the customer (Mercury) that they provide you with a non violent alternative.*

*I am so concerned about this that I have called the Australian Communications and Media Authority (ACMA) who have advised me to raise my concerns with you in the first instance I look forward to taking action on this matter and to your response.*

## **THE ADVERTISER'S RESPONSE**

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

*The Mercury has produced in conjunction with our advertising agency a series of three commercials which promote the bond between a reader and their newspaper. Each advertisement has the tag line "Nothing comes between me and my Mercury". The advertisements show humorous situations that are slightly exaggerated, so as not to be portrayed as real life situations. Prior to the advertisements being approved by CAD, we ran the advertisements past a number of males and females in several focus groups to gauge their reactions to the television commercials and prior to this complaint, no one had raised the issue of potential violence against the female or the male in matter of fact re: Watercooler tv.*

*Upon reviewing this commercial again and trying to look at it from the complainant's point of view, I don't believe the man is reacting in "an angry and aggressive manner" that could be deemed as abusive towards the woman or that it potentially supports domestic violence against women.*

*Even though the television commercial received a "G" rating in the CAD approval process, we have requested that none of the television advertisements run prior to 8.30pm and have specifically requested the television stations ensure that any bonus spots we may receive as part of this schedule, also not run until after this timeframe.*

## **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 depicts violence against women and that it depicts women being treated disrespectfully.

The Board viewed the advertisement and noted the advertiser's response. The Board considered whether the advertisement was in breach of section 2.2 or 2.6 of the Code which require that advertisements: 'not present or portray violence unless it is justifiable in the

context of the product or service advertised' (section 2.2) and that advertisements 'not depict material contrary to prevailing community standards on health and safety'.

The Board considered that the advertisement depicts a humorous situation which conveys that the most important thing to the man is preserving the integrity of his newspaper (the advertised product). The Board noted that the man does slap the woman with the paper, however the Board considered that this was depicted in a playful situation and that the woman is clearly depicted unharmed. The Board noted that domestic violence and violence against women are significant social issues in Australia and that advertisements must not trivialise or condone such behaviour. However the Board considered that the depiction of the man slapping the woman in this advertisement was not a depiction of violence and would be unlikely to be considered by many people in the community as violent or as a depiction of violence against women. The Board determined that the advertisement did not depict violence and did not depict material contrary to prevailing community standards on violence against women. The Board determined that the advertisement did not breach section 2.2 or section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.