



Case Report

1	Case Number	0161/11
2	Advertiser	HBF
3	Product	Insurance
4	Type of Advertisement / media	TV
5	Date of Determination	25/05/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Violence Domestic violence

DESCRIPTION OF THE ADVERTISEMENT

A young boy is admiring how his older brother seemed to have figured out more in life (as he himself sits awkwardly next to a girl). He thinks back to the day when his older brother was in hospital and we flash back to footage of a concerned family looking lovingly at the older brother who is being wheeled off in a hospital bed. The younger boy narrates that this time when his brother was sick was difficult. The footage flashes back to the present where the young boy (still admiring his older brother) acknowledges that the siblings' relationship has grown stronger since the difficult time and how his older brother is nicer to him ever since. The young boy acknowledges that the brotherly love he receives is perhaps not the same as the love he receives from his mother, and is shown smiling after the older boy taps him on the cheek on the way past.

THE COMPLAINT

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

The younger boy says that the older boy was always in control and then he got sick but then he says that he knows his brother loves him in his own way and the older brother walks past him with his mates and slaps him on the cheek. I feel that this promotes if you love someone it is ok to for them to hit you.

THE ADVERTISER'S RESPONSE

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

The advertisement in no way intends to depict or condone violence, on the contrary, it is intended to depict the genuine culture of how two Australian boys (who are in fact real life brothers who had experienced a similar health scenario only a few weeks before filming) would express heartfelt emotion and admiration during and after a difficult situation. The reaction of the younger brother after experiencing an ironic tap from his older brother demonstrates that he is smiling and happy for the affection and attention (if not a little embarrassed and awkward in front of the young girl).

It is very clear from the context of the advertisement that the older brother does not "hit" his younger brother. It is in fact depicting typical behaviour between teenage brothers showing affection. This is evident from the younger brother's reaction – which clearly depicts him smiling afterwards. It is more of an ironic tap made out of affection not an act of violence.

In fact the tone of the entire commercial is about the love and admiration of a younger brother for his sick (now recovered) older sibling.

The complaint also makes reference to 'the younger boy says the older boy was always in control'. It is worth mentioning that there is no reference to 'control' in this commercial, but rather refers to the older brother 'not knowing how to handle things when he was sick'.

The advertisement does have a PG rating and is therefore not shown during children's viewing times, hence we would hope that the more mature or guided audience member is able to pick up on the intended tone of the advertisement.

MEDICAL NOTES:

Boy: Intestinal Surgery for Crohn's Disease

Many people with Crohn's Disease, an autoimmune disease which involves the body attacking the intestinal tract will elect to have surgery to remove affected areas of the colon and large and small intestine to relieve severe symptoms of Crohn's. Symptoms include rapid weight loss, intestinal bleeding, pain and malnutrition. The symptoms can improve a lot after surgery, and sometimes the symptoms will disappear randomly for years on end before returning.

THE DETERMINATION

The Advertising Standards Board (Board) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement depicts a boy slapping a younger boy on the cheek and promotes violence.

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

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states 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 Board noted the advertisement features a young boy talking about how his brother has been ill and then we see the older boy tapping his brother’s cheek as he walks past.

The Board considered that most members of the community would interpret the tap on the cheek as a playful, brotherly action and the smiling response of the younger boy backs this up. The Board considered that there was no injury depicted and that the entire context of the tap on the face was brotherly affection.

The Board considered that there was no suggestion or depiction of violence and no suggestion or condoning of domestic violence or violence to someone you love.

On this basis the Board determined that the advertisement did not depict or condone violence and was not in breach of Section 2.2 of the Code.

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