



Case Report

1	Case Number	0167/12
2	Advertiser	Symex
3	Product	House goods/services
4	Type of Advertisement / media	Print
5	Date of Determination	23/05/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.3 - Violence Domestic violence

DESCRIPTION OF THE ADVERTISEMENT

A steel knife in a plastic bag marked as evidence with the names of a victim of assault as well as the alleged perpetrator and the police officer in charge of the investigation.

The words "Case Dismissed" are in small print below the corner of the plastic bag. An image of Sunlight Power dishwashing foam is also featured on the bottom right hand corner of the advertisement.

THE COMPLAINT

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

I was absolutely horrified to see this advertisement: my sister was murdered with a knife. To see this advertisement and the words under it stating "Case Closed" made me sick to the stomach and belittles victims whether they are attacked or murdered by a knife. The implication of a knife that a murder weapon/weapon used in a crime can be cleaned by this product shows how low Penal will go to advertise their product.

I cannot believe that this advertiser condoned this advertisement let alone accepted the "creative" agency that put together this concept.

I'm also going to contact Victims of Crime NSW and discuss what avenues should be taken against this advertiser.

The ad trivialises domestic violence and assault by claiming that their product can remove crucial evidence and allow the assaulter to escape scot free. Many cases of domestic assault go untried because of supposed lack of evidence or doubt on the character of the victim.

THE ADVERTISER'S RESPONSE

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

The essence of the complainants' concerns seem to be: (i) the advertisement 'belittles' victims of violence; and (ii) that the advertisement 'trivialises' domestic violence. Symex strongly denies any allegation made by the complainant that the ad portrays violence and strongly maintains that the advertisement complies with the Code of Ethics.

Clause 2.3: Portrayal/Presentation of Violence

You have requested Symex to respond to the issues raised by the complaints, particularly having regard to clause 2.3 of the AANA Advertiser Code of Ethics ("Code of Ethics"), which states 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."

In relation to cl 2.3 of the Code of Ethics, the advertisement is clearly not 'portraying' or 'presenting' violence. There is no depiction of violence or the consequence of violence (i.e. there is no imagery of an actual act of murder, a dead person, blood, gore, etc in the advertisement). In addition, the actual knife displayed is a clean knife with no blood. Though, the knife itself may (arguably) represent a previous act of violence, it is not of itself presenting violence in an immediate sense which is intended by cl 2.3. On this basis, Symex is clearly not in breach of cl 2.3 of the Code of Ethics.

Clause 2.6: Community Standards for Safety

We note that clause 2.6 of the Code of Ethics states that:

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

Symex acknowledges that being seen to condone violence (especially against women) is against the community standards of health and safety. However, the advertisement does not condone violence against women. There is no message in the ad telling people that violence is acceptable or that they should go out and actively murder someone. The advertisement is clearly tongue-in-cheek and isn't intended to be taken to heart by consumers. Symex maintains that there was never a domestic violence portrayed in the advertisement, let alone condoned.

It is clear that the advertisement, which has finished its run in the Sydney Star Observer, was an intentional form of dark humour. The ad was specifically targeted to adults due to the nature of the publication in which it appeared. Most reasonable adults in this day and age have an understanding of evidence due to the prominence of forensic science television shows currently, such as CSI and NCIS. Symex is simply tapping in the popularity of these shows with the advertisement, and due to broad understanding of evidence from these shows, the imagery in the ad is not likely to offend the broader community. In addition, there is clearly a tolerance for dark humour, and an appreciation for the subtle tongue-in-cheek nature of television shows, such as Dexter. The popularity rather than aversion of such shows like Dexter demonstrates the acceptability of this type of humour by the broader community. The advertisement is also clearly intended to be irreverent and tongue-in-cheek. It is not intended to be taken seriously and does not encourage or condone the use of cleaning products to tamper with evidence. The very idea that dishwashing liquid, whatever the

strength, could clear off all evidence is fanciful and clearly flippant, and it is the advertiser's response that any claim to the contrary would be spurious. Further to the above, due to the now more common understanding of forensic science due to television shows, no member of the public would earnestly believe that dishwashing liquid could potentially remove all traces of evidence. Regardless of how well a dishwashing detergent works, the broader community is now aware that there would still be evidence remaining on a microscopic scale and hence that a person who murdered another and used dishwashing detergent to clean the murder weapon would still likely be found guilty.

Symex clearly intended to use the image of the knife and dishwashing liquid together to employ the marketing technique of 'exaggerating for effect'. The advertisement is not intending to condone violence at all, it is intending to exaggerate the message that if consumers want a superior clean, then they should use Sunlight Power Dishwashing Liquid. The advertisement was never intended to belittle the victims of violence, and in the view of advertisers, the broader community would hold the same opinion of the ad.

In addition to the above, in the very unlikely circumstances that a child viewed the advertisement, the nature of the ad and the adult themes would be completely lost on them. Therefore, it is highly unlikely that any child who viewed the ad would understand the ad, let alone form an opinion or act on any message that may be thought to be communicated by the ad. Further, as previously stated, most reasonable adults would not be encouraged by this advertisement to commit any crimes or act in a violent way towards domestic partners or any other people.

On the basis of the above, Symex maintains that the advertisement is not in breach of the AANA Code of Ethics and trusts that the ASB will agree with this view and will accordingly dismiss the complaint.

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 trivialises and condones domestic violence and suggests that the advertised product can remove forensic evidence.

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 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 that the advertisement intentionally depicts a mock evidence bag which contains a knife and that the label on the bag is set up to suggest an alleged assault against a woman and names a victim of assault as well as the alleged perpetrator and the police officer in charge of the investigation.

The Board noted that the advertisement does not specify that the alleged crime was domestic violence however the Board considered that the use of the word 'assault' in the advertisement is suggestive of a violent act against a woman.

The Board noted that the nature of the assault is not stated in the advertisement and considered that the image of the knife is suggestive of a knife attack against a woman.

In the Board's view the message of the advertisement is that the advertised product can be used to eradicate evidence and the Board considered that this message is suggesting that committing an assault is acceptable if you are able to cover your tracks.

In the Board's view the advertisement presents violence in a manner that is not justifiable in the context of the product being advertised.

The Board determined that the advertisement did breach Section 2.3 of the Code.

Finding that the advertisement did breach Section 2.3 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

We respect the Board's decision and have decided to discontinue this advertisement.