



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0167-20</b>
<b>2. Advertiser :</b>	<b>Gem Puzzle Dom</b>
<b>3. Product :</b>	<b>Entertainment</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet - Social - Instagram</b>
<b>5. Date of Determination</b>	<b>27-May-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Not Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features a video of a man with a scowl on his face walking behind a woman looking as if he is about to hit her with a chair, before being distracted by a game she is playing on her phone. Footage of the game is then shown.

### THE COMPLAINT

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

*Violence to women*

### THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*

### THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).



The Panel noted the complainant's concern that the advertisement depicts violence towards women.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

The Panel considered whether the advertisements were 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 Panel noted that the scene of concern was in the first few seconds of a longer advertisement and the context of the situation depicted is unclear but looks like a household setting. The Panel considered that the facial expression and body language of the man in the advertisement was aggressive and the advertisement clearly depicted that either the man intended to hit the woman over the head with the chair, or to hit the game out of her hand. The Panel considered that the more likely impression is that the man is about to hit the woman.

The Panel noted that the man is shown to become distracted and does not follow through with the act itself, and noted that the majority of the advertisement depicts images of the game play. However, the Panel considered that the opening scenes of the advertisement contain strong depiction of menace in the image of the man about to hit the woman.

The Panel noted the Practice Note for the Code states:

"The Community Panel has also found that a strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code".

The Panel considered that the menace depicted in the advertisement was not mild, and that although the context surrounding the instance was not clear, the violence would be inappropriate in any circumstance.

The Panel considered that there is no justification for depictions or suggestions of domestic violence in advertising for a game, and noted that there is a heightened level of concern relating to depictions of violence against women in light of increased family violence during the COVID-19 pandemic.

The Panel considered that the advertisement clearly depicted a man intending to harm a woman, and that this menacing act was not appropriate in the context of advertising a puzzle app.

The Panel determined that the advertisement did portray violence that was not justified in the context of the product or service advertised and did breach Section 2.3 of the Code.



Finding that this advertisement did breach Section 2.3 of the Code the Panel upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.