



Case Report

1	Case Number	0173/11
2	Advertiser	National Australia Bank Ltd
3	Product	Finance/Investment
4	Type of Advertisement / media	TV
5	Date of Determination	08/06/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A man enters a steam room full of men and sits down. The other men all get up and leave and one of these men adds more water to the stones so the steam increases. The original man is left sitting on his own in the room, and when he gets up to leave he realises he has been locked in. We see the man calling through the window of the door to the steam room that there appears to be a chair wedged up against the door.

The text on screen reads, "We're not popular with the other banks anymore. We must be doing something right. NAB. More give. Less take."

THE COMPLAINT

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

I thought it was dreadful and in bad taste to advertise the locking of people in a hot steaming sauna room with no possibility of an exit due to a chair being propped up against the door handle. Perhaps the NAB intended the advertisement to be funny but I feel it falls far short of being funny and borders on ridiculously dangerous.

Potential here for severe harm to banker. Other ads run in same time frame by NAB also featured aggressive behaviour towards NAB banker. Not good for children to see and is being shown during football game.

Bullying and aggression should not be used in ads.

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THE ADVERTISER'S RESPONSE

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

I am naturally disappointed to hear that one of our NAB advertisements has led to a complaint to the Advertising Standards Bureau. We take the AANA Advertiser Code of Ethics very seriously and would never put to air an advertisement which we believed contravened them.

The advertisement in question 'Steam Room' forms part of a broader range of marketing activities we are calling 'The Break Up'. Under this campaign theme we have been using a light hearted tone in our communications and promoting a message that we are 'breaking up' with the other big banks. The metaphor of a relationship break up is a communications device to highlight that we offer differentiated products and services and an overall fairer approach to banking for Australian consumers that means NAB is no longer part of the 'Big Four' banking relationship. Whilst our message is serious, the tone with which we have announced our split via advertising is clearly very tongue in cheek.

The 'Steam Room' advertisement is one of a series of three television advertisements which build on the 'Break Up' message by humorously portraying the reaction the other big banks have had to our actions. The fictitious construct we are portraying is that the other banks are not happy and they are now showing their disdain towards the NAB.

The 'Steam Room' ad features a NAB banker who is visiting a health club. This situation is used as a metaphorical representation of the consumer perception that the 'Big Four' banks are the same. For advertising purposes we've played to this stereotype and shown how following the 'Break Up' our NAB banker is no longer welcome in the club. The other banks show their displeasure at his actions by walking out of the steam room when he enters and in an infantile gesture they block the door with a chair so he is left alone. The supers on the ad read "we're not very popular with the other banks anymore. We must be doing something right". The ad then closes on the NAB logo with our end line 'More give, less take'.

The complaints made against this advertisement are that it is in "bad taste to advertise the locking of people in a hot steaming sauna room, with no possibility of an exit". We don't believe these claims to be valid as the advertising is clearly farcical and given that the NAB Banker character is a fictional representation there are no genuine health and safety concerns. The advertising in no way advocates the practice of locking people in steam rooms and the situation of bankers exacting their revenge in this manner is so farfetched that mimicking it would be implausible. It is also worth noting that the door on the sauna used in the advertisement opens inwards, therefore the chair placed against the door would not prevent the character in question from being able to easily exit the room.

In addition to gaining CAD approval we took legal advice from our internal counsel and Holding Redlich who also advised that in their opinion the advertising did not contravene the AANA Code of Ethics due to its farcical nature.

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 portrays a dangerous and aggressive act of bullying.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement shows a man being locked in a steam room because he is unpopular.

The Board noted the advertiser’s response that the man is supposed to represent NAB and that the other men in the advertisement represent the other banks who may not be happy with NAB for breaking away from them in terms of the services they now provide, and that this advertisement is one of a series which highlight NAB’s ‘break up’ with these other banks.

The Board noted that the man representing NAB is supposedly prevented from leaving a steam room by a chair placed against the door. The Board noted that when the man enters the steam room the door is clearly shown opening inwards and so the placing of a chair on the outside of the door would not prevent him from opening the door to leave the steam room.

The Board considered that the depiction of the chair ‘blocking’ the man’s exit, whilst not a clever thing to do in a real life situation, is presented in a farcical way in the advertisement. The Board considered the light hearted nature of the advertisement overrides the image of the chair against the door, and that the advertisement in no way encourages viewers to copy this behaviour.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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

