



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0173/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Herald Sun</b>
<b>3</b>	<b>Product</b>	<b>Toys &amp; Games</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/05/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Violence Violence

### DESCRIPTION OF THE ADVERTISEMENT

A young boy opens the Herald Sun 3D footy cards collector album and a football flies out of the album, bumps into the kid's face and ruffles his 3D glasses up a bit. A male voice over says, "Grab the new Official 2012 AFL Collector Cards in eye-popping 3D! for you and the kids, only with the Herald Sun, your home of AFL. It's full on Footy!"

### THE COMPLAINT

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

*On the TV ad a child is being hit across the face with a football. I don't understand what hitting a child across the face - with either a football or man's elbow has to do with the promotion of footy cards? Also as the child is somewhat overweight and wears glasses (even 3D ones) one worries about the impact this might have in terms of making bullying 'ok' in the school ground. The website for the campaign notes that the ad is aimed towards 5 - 12 year olds. Are children this age really going to take anything much away from this advertisement campaign other than it's ok to hit their peers?*

### THE ADVERTISER'S RESPONSE

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

*Upon review of the code in conjunction with the complaint it is our conclusion that the query relates to the following clause:*

#### *2.5 Safety*

*Advertising or Marketing Communications to Children:*

*(a) must not portray images or events which depict unsafe uses of a Product or unsafe situations which may encourage Children to engage in dangerous activities or create an unrealistic impression in the minds of Children or their parents or carers about safety; and (b) must not advertise Products which have been officially declared unsafe or dangerous by an authorised Australian government authority.*

*HWT refute the claim that the child featured in the advertisement is being treated in an unsafe manner or that we are implying that it's OK for children to hit their peers for the following reasons:*

*- The tone of the creative execution is fun and action packed, just like the game of AFL. The boy is clearly a footy fan and is keen to find out what's inside the album. As the ball bounces out of the album and connects with the child's face it is clear that he has not been injured in any way, nor is there any lasting damage done to the boy. We went to great lengths at the end of the execution to highlight that the boy had recovered from the impact and was eager to have another look at his album, whereby presumably a similar scenario will take place once again.*

*- This is the second year that this campaign has been in market. The ad was well received in 2011 and we had a great deal of positive feedback from both kids and parents. It is also worth noting that in 2011 the positioning line was "Footy in your Face". For 2012 we updated this to "Full on Footy" to give the campaign a new feel and point of difference from the previous campaign.*

*Regarding the claim that the child is "somewhat overweight", wears glasses and this is encouraging school ground bullying our position is as follows:*

*- The child in question was selected from a pool of applicants primarily for his acting ability, together with the fact that he looks like a normal every day kid. At no point during the selection process was his weight raised as an issue. We didn't consider him to be overweight at the time, nor do we now. The glasses he is wearing are 3D glasses which are part of the AFL Collector Card series and they enable him to view the cards in 3D.*

*- As a mass market media brand with large number readers in the family life stage, the Herald Sun has a firm position against bullying and has been an active campaigner against it both within the school ground and the work place. We would never run an advertising campaign that encouraged bullying of any form and we absolutely refute this claim.*

*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.*

*HWT refute the claim that the child featured in the advertisement is being treated in violent manner for the following reasons:*

*- The tone of the "Full on Footy" Marketing campaign is fun and action packed, just like the game of AFL. The campaign idea has rolled out across TV, Radio, Press, Digital and Point of Sale and centres upon the cards coming to life in 3D and the boy becoming part of the game as it unfolds. In this instance the Point of Sale poster depicts a boy who is clearly a footy fan and is keen to find out what's inside the album. As the player bounces out of the album and his arm connects with the child's face it is clear that the image has been*

*photoshopped in a cartoon like manner. As such we maintain that the majority of people viewing this piece would not consider that a real life AFL player is actually elbowing a young boy in the mouth and deliberately inflicting damage on him in a violent manner.*

## **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 complainant’s concerns that the advertisement depicts violence against a child and as it depicts an overweight child is condoning bullying.

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 depicts a boy wearing 3D glasses who opens up the 3D Footy magazine and a ball flies out and hits his head.

The Board noted that the advertised product is a 3D footy magazine and considered that the use of the ball flying out of the magazine when the boy opens it is appropriate in this context. The Board noted that the ball hits the boy on the head when it flies out of the magazine and considered that unlike the poster version of the advertisement which depicts an elbow hitting the boy’s face, in this instance it is unlikely that members of the community would interpret this as an act of violence against the child.

The Board noted that the boy’s reaction is one of awe when he opens the magazine and that he is shown readjusting his glasses at the end of the advertisement, apparently about to re-open the magazine. The Board considered that the overall message likely to be taken of the advertisement is that the boy likes what he sees in the magazine and that being hit by the ball is not of concern. The Board considered that the advertisement did not present or portray violence towards a child.

The Board determined that the advertisement did not breach section 2.3 of the Code.

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 the complainant's concerns regarding the use of an apparently overweight child and considered that the child is not likely to be seen as overweight as the scenario depicted is in a football context. The Board considered that the advertisement is unlikely to be seen by most people as condoning violence against a child on account of weight and that it does not encourage bullying.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on bullying 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.