



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0192/18</b>
<b>2</b>	<b>Advertiser</b>	<b>Monash University</b>
<b>3</b>	<b>Product</b>	<b>Education</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - On Demand</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/04/2018</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Violence

## DESCRIPTION OF THE ADVERTISEMENT

This TV-on-demand advertisement begins with the text "Some may find the following disturbing" followed by excerpts from evening news bulletins. The footage shows fleeting images including:

- Man from Democratic Socialists of America gets assaulted.
- Ebola crisis in West Africa.
- Shots fired from army tank.
- Group of refugees helped from a rubber dingy to an authority's boat.
- Polar bear on melting ice.
- Young child dressed as cowboy holding toy gun.
- South Korea military conducting live fire ballistic missile drill.
- Hungary – group of migrants breaking through police lines.

The words "if you don't like it" are displayed next, followed by depictions of people protesting. The words "change it" are then displayed, followed by a series of scenes showing education and research activities at Monash University.



## THE COMPLAINT

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

*The add starts off with a person in a black hoodie king hitting someone. I feel that given the current climate in schools, the increase in aggression socially and generally breakdown in Judeo-Christian values this is something that is highly inappropriate and glorifying a cowardly and illegal act.*

## THE ADVERTISER'S RESPONSE

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

*Your letter conveyed details of a complaint received by Ad Standards about a Monash University advertisement transmitted during the viewing of a program via the Nine Network's catch up TV platform 9Now (Advertisement). Although Monash University strongly disagrees with the allegations made in that complaint, we are pleased to respond to your letter, as requested.*

### *Description of the advertisement*

*The Advertisement is part of Monash University's "if you don't like it, change it" campaign which aims to encourage people who want to make a positive change in the world to do so through education and research.*

*The 30 second Advertisement, the subject of the complaint, begins with the text "Some may find the following disturbing" followed by excerpts of footage from evening news bulletins. The footage shows fleeting images of the following:*

- Man from Democratic Socialists of America gets assaulted from the side by hooded man.*
- Ebola crisis in West Africa. A man zips up a hazmat suit followed by a group of hazmat suited men carrying a stretcher out of building.*
- Shots are being fired from an army tank.*
- Elephant in the wild, falling to ground.*
- Cyclone Debbie Northern Queensland.*
- Group of refugees being helped from a rubber dingy to an authority's boat.*
- Polar bear on melting ice cap.*
- Young child dressed as cowboy holding toy gun.*
- South Korea military conducting a live fire ballistic missile drill.*
- Intravenous drug paraphernalia, including the hand of a user.*



- Hoi An flooded after Typhoon Damrey. Man in boat on flooded street.
- Hungary – group of migrants breaking through police lines. A camerawoman kicks out at children who are trying to rush/run past to safety

*The words "if you don't like it" are displayed next, followed by scenes of people advocating for change.*

*The words "change it" are then displayed, followed by a series of scenes showing education and research activities at Monash University.*

*The Advertisement concludes with scenes of students walking through Monash University campuses, a student looking at the camera and then the Monash University logo.*

*The Advertisement features the music track "Blaccout" by rap duo A.B. Original.*

#### *Comprehensive comments in relation to the complaint*

*Monash University is a strong supporter of Ad Standards and the codes it administers, including the AANA Code of Ethics (Code). It takes great care to ensure that its marketing campaigns are compliant with all relevant laws and codes including the Code. Accordingly, Monash University takes very seriously, the fact that a complaint has been made about the Advertisement. In response to the complaint Monash has reviewed the Advertisement carefully and critically against section 2 of the Code. In doing so, it maintains that the Advertisement does not offend the Code.*

*The Advertisement is a 30 second film in Monash University's broader "if you don't like it, change it" campaign which has included prominent publication in major newspapers, outdoor advertising and other online forums. The Advertisement is a call to action. It identifies serious social issues which currently divide our global society and challenges potential students and community partners to make a change. It aims to encourage the audience to consider why each relevant issue came to be, whether measures to address the issue have been adequate and what alternative measures could be taken to reach a different more positive outcome. It promotes Monash University as a place where positive change can be made through education, research and collaboration with community partners. The essence of the Advertisement is the promotion of advocacy, innovation and intellectual debate as an alternative to the violence, unruly protest and lawlessness.*

*For the reasons set out below, Monash University strongly disagrees that the Advertisement contravenes section 2 of the Code in any way.*

#### *Application of section 2 of the Code*



*Ad Standards has identified section 2.3 of the Code as being potentially relevant to the Advertisement and noted that the Ad Standards Community Panel will review the Advertisement against section 2 of the Code in its entirety.*

*For the reasons set out below, Monash University disagrees that the Advertisement contravenes section 2.3 of the Code. Monash University considers that the remaining provisions of section 2 of the Code are not relevant to the Advertisement. In particular, the Advertisement does not:*

- portray people or depict material in a way which discriminates against or vilifies a person or section of the community in any way (section 2.1);*
- employ sexual appeal in any way (section 2.2);*
- involve sex, sexuality or nudity (section 2.4);*
- use strong or obscene language, or any other language which is inappropriate in the circumstances (section 2.5);*
- include images of unsafe practices, or otherwise depict material contrary to prevailing standards on health or safety (section 2.6); or*
- suggest that the Advertisement is anything other than an advertisement for Monash University and its call to action (clause 2.7).*

*Further, the Advertisement is not an advertising or marketing communication directed primarily to children, nor does it market food or beverages. Accordingly, we have not addressed the specific AANA codes relating to such advertising and marketing communications in this response.*

*The Advertisement complies with section 2.3 of the Code*

*Clause 2.3 of the Code provides that "Advertising and Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".*

*As indicated above, the Advertisement is a call to action which identifies serious social issues dividing our society and challenges the audience to make a positive change through education and research as an alternative to current resolution mechanisms (which is often by unlawful and violent means). These are inherently confronting issues and the audience is warned at the beginning of the Advertisement that "some may find the following disturbing".*

*Some of these issues involve violence, either as a feature of the issue itself or a mechanism that has been used to address an issue. In particular, the following footage presents violence or potentially references violence:*

- the man from Democratic Socialists of America being assaulted from the side by a hooded man;*



- *shots being fired from an army tank;*
- *young child dressed as cowboy holding toy gun;*
- *South Korea military conducting a live fire ballistic missile drill; and*
- *Hungary – group of migrants breaking through police lines. A camerawoman kicks out at children who are trying to rush/run past to safety.*

*The complaint made about the Advertisement is that "given the current climate in schools, the increase in aggression socially and generally breakdown in Judeo-Christian values" the footage of the man from Democratic Socialists of America being assaulted from the side by a hooded man is "inappropriate and glorifying a cowardly and illegal act".*

*With respect to the complainant, Monash University strongly disagrees with this assertion. The Advertisement does not glorify violence in any way; to the contrary, it uses factual information in an informative manner to raise serious social issues and challenge the audience to consider ways to resolve such issues through non-violent means formulated or informed by education, research or collaborative endeavours with community partners. The relevant footage was not created for the sake of portraying violence in the Advertisement; rather, it has been taken from actual news broadcasts and presents an accurate depiction of real world issues in a manner which is informative to the viewer and frames the issue for reflection and consideration. It is used to convey the message that education and research is a route to positive change and should be considered as an alternative to current (inadequate) resolution mechanisms such as violence. Furthermore, although Monash University considers that the relevant footage is relatively mild in impact given the fleeting nature of the imagery, the potential impact on more sensitive viewers is mitigated by the warning at the beginning of the Advertisement. For these reasons, in the context of Monash University's "if you don't like it, change it" message, the inclusion of the footage which presents or portrays violence is appropriate and justifiable.*

*Accordingly, Monash University respectfully submits that the Advertising Standards Community Panel reach the conclusion that the violence presented or portrayed in the Advertisement is justified in the context of the product or service advertised.*

*Monash University submits this conclusion would be consistent with previous determinations by the Advertising Standards Community Panel that advertisements raising awareness or making a statement about social issues can be justified in using graphic images, if those images are relevant to the issue, are not overly graphic or inappropriate to be viewed by a large audience. Recent examples of such determinations are Cases 0355/16, 0190/16 and 0046/16.*

*For the reasons set out above, we respectfully ask that the Advertising Standards Community Panel dismisses the complaint.*



## **THE DETERMINATION**

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

The Panel noted the complainant's concern that the advertisement depicts graphic material of a 'king hit' which is inappropriate.

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

The Panel considered whether the advertisement was 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 TV-on-demand advertisement begins with the text "Some may find the following disturbing" followed by excerpts from evening news bulletins. The footage shows fleeting images including a man from Democratic Socialists of America being 'king hit'.

The Panel noted the advertiser's response that the advertisement identifies serious social issues and challenges potential students to make a change, and that a disclaimer is included at the beginning of the advertisement.

The Panel considered that the overall message of the advertisement is to resolve such issues as are shown in the advertisement, using the tagline "If you don't like it, change it".

The Panel considered the advertiser's response that the advertisement footage had been taken from actual news broadcasts and presents an accurate depiction of real world issues in a manner which is informative to the viewer.

The Panel noted that the imagery used in the advertisement is fleeting and changes scenes quickly and is depicted as unacceptable behaviour.

The Panel noted it had considered a similar case in 0471/17 which was also a campaign for a university aimed at enrolment. The image in case 0471/17 depicted dark skinned children's hands gripping a chain link fence, under the headline "unlearn criminal", with the word "criminal" struck-out and the text "we've reimagined the way we teach, so our students can reimagine the world." The Panel noted that case 0471/17 was upheld on the basis that the advertisement was not clear that it was presenting a stereotypically negative image in an attempt to provoke thought, but rather that the image came across as ambiguous in meaning, given its content and



location.

The Panel considered that in this case, the advertisement was clear in its messaging that the images were negative images, with the first scene being a disclaimer acknowledging that the images to follow do have the potential to be upsetting, followed by “if you don’t like it, change it”

The Panel considered that the advertisement portrayed violence in a manner which was justifiable in the context of the product or service advertised and determined that the advertisement did not breach Section 2.3 of the Code.

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

