



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0199/18
2	Advertiser	Kogan Technologies
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/06/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Bullying
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This advertorial on the Today show featured a man and woman speaking about Kogan TVs and their features. The animated movie 'Big Buck Bunny' was playing on the screens in the movie the main bunny character smells flowers and admires a butterfly. Smaller animals appear and throw objects at the bunny. One of the creatures appears to kill the butterfly with a rock and play with its wings. The bunny then appears to start planning revenge by sharpening sticks and making arrows. The hosts continue to speak about the TV features and the special deal for viewers while the animation plays.

THE COMPLAINT

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

The TV that they were advertising was playing a video with a large rabbit and 3 small animals. The 3 small animals were throwing items at the rabbit and hitting the the rabbit. There was a very angry looking chipmunk that then stood above a butterfly





with a rock which it then killed with said rock, the other small animals then pulled the butterfly apart and used its wings to pretend to fly. They then went back to throwing spiky balls at the rabbit and made the rabbit hide behind a tree. The rabbit then went on its way and proceeded to cut down trees and make arrows all the while looking very angry. I was absolutely disgusted at what was playing in the background and found it very inappropriate especially since my daughter was in the room playing at the time. It was very upsetting as it was bullying and killing in cartoon form. I feel it was very wrong for them to play what they did as it took away from the advertising itself.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response to 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 bullying and killing in cartoon form and is inappropriate for children to view.

The Panel viewed the advertisement and noted the advertiser did not respond.

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 television advertisement was on a morning variety program and was advertising a television. The complaints relate to the movie that was being shown on the television featured in the advertisement. The cartoon showed a cartoon rabbit, three rodents and a butterfly. The Panel noted that the movie used in the advertisement is an open-source film made specifically for people to use without requiring copyright.

The Panel considered that the viewer does not see the butterfly being killed. The viewer sees the butterfly on a rock and one of the rodents holding a rock above it, and the next scene shows the rodent with the butterfly wings. The Panel considered that a child would be unlikely to make the connection that the butterfly may have been



killed.

The Panel considered that the movie in the advertisement is not the primary product, and noted that it had previously dismissed a similar issue in case 0521/17 in which:

“The Board noted that the Zombie like images displayed on the television screen are fictional and from the television series “The Walking Dead”...The Board noted that the focus of the advertisement is not intended to be on the footage shown from the television series “The Walking Dead” but rather on the capability of the advertised product itself. The Board considered that the duration of the footage shown of fictional zombie characters is extremely short and is not graphic or violent. The Board considered that most members of the community would be able to easily discern that the images are being viewed in their capacity as fictional characters and the advertisement is not promoting or encouraging violence and considered that the depiction was fleeting, relevant to the advertised product and not overly graphic.”

The Panel noted scenes in which the rodents throw rocks at the rabbit. The Panel considered that these scenes are quite deliberate and have a mild level of violence, however are unlikely to cause distress to children or general viewers. The Panel noted that many children’s films do have a mild level of violence and the Panel considered that this scene was comparable to others such as the trash compacter scene in Toy Story 3 or the numerous scuffles between characters in Minions.

The Panel noted that the movie does not have any sound and the advertisement features only the presenters talking. The Panel considered that this is unlikely to gain the attention of children, and also considered that the TODAY show is not a program which is attractive to children or targeted towards children.

Consistent with the previous determination, the Panel noted that the movie being shown in the background of the advertisement is related to the product of televisions being sold, and is used to highlight the product’s capabilities.

The Panel considered that the advertisement did not present or portray violence that was unjustifiable in the context of the product advertised and did not breach Section 2.3 of the Code. The Panel noted that to avoid complaints the advertiser may wish to consider changing the open-source film they use in advertising which children may view.

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

