



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

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0199/19</b>
<b>2</b>	<b>Advertiser</b>	<b>Sleep Clinics Albury Wodonga</b>
<b>3</b>	<b>Product</b>	<b>Health Products</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/07/2019</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

## ISSUES RAISED

2.3 - Violence Domestic Violence

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a voice over asking 'on edge? Bruised ribs?' and we see a man and woman in a cinema, the man is asleep and snoring. The woman elbows the man in the ribs and he wakes up and makes a noise as though he has been hurt. The voice asks 'slight concussion?' and we see a man and a woman in bed together. The man is snoring and the woman pushes him so that he rolls out of the bed. He is shown as still asleep in an uncomfortable position on the floor. The voice over continues 'These are some of the symptoms which could lead to serious consequences. Public ridicule' The man and woman in the cinema are shown again and the man is seen to be asleep and snoring again while the woman looks embarrassed. The voice says 'lack of sleep' and the man and woman in bed are shown again with the woman rolling over while the man snores. The voice over states 'self-injury' and a woman is seen grasping her wrist in pain and groaning. The woman in bed is seen to throw a pillow at the man who is standing next to the bed. The voice over says 'these too are symptoms which could lead to serious consequences'. Details of the the Sleep Clinics Albury and Wodonga are given and the voice over states 'so save yourself and your loved one'.

## THE COMPLAINT





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

*The add shows a man who has sleep issues. It shows his partner elbowing him in the stomach at the movies, then pushing him out of the bed and hitting his head. He is then kicked out of the bedroom. In these sensitive times, I find this offensive as the woman's behavior demeans, humiliates, embarrasses and physically abuses her partner. Had the roles been portrayed in reverse, where the woman had sleep issues and the man elbows his partner and gets pushed out of bed, there would have been an out cry over violence against women. Therefore everything been equal, the add should show a man with sleep issues been assisted by his partner to get help without the humiliation and physical abuse.*

#### **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 complainants' concerns that the advertisement depicts inappropriate violence.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

The Panel noted that the advertisement features a voice over asking 'on edge? Bruised ribs?' and we see a man and woman in a cinema, the man is depicted as being asleep and snoring. The woman elbows the man in the ribs and he wakes up and makes a noise as though he has been hurt. The voice asks 'slight concussion?' and we see a man and a woman in bed together. The man is snoring and the woman pushes him so that he rolls out of the bed. He is shown as still asleep in an uncomfortable position on the floor. The voice over continues 'These are some of the symptoms which could lead to serious consequences. Public ridicule' The man and woman in the cinema are shown again and the man is seen to be asleep and snoring again while the



woman looks embarrassed. The voice says 'lack of sleep' and the man and woman in bed are shown again with the woman rolling over while the man snores. The voice over states 'self-injury' and the woman is seen grasping her wrist in pain and groaning. The woman in bed is seen to throw a pillow at the man who is standing next to the bed. The voice over says 'these too are symptoms which could lead to serious consequences'. Details of the Sleep Clinics Albury and Wodonga are given and the voice over states 'so save yourself and your loved one'.

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 the complainants' concerns that the advertisement depicts a woman physically abusing her partner.

The Panel noted they had considered a similar issue in case 0491/14, in which:

"The Board noted that as the woman sees her husband cuddling the water tank she looks to the friend and gives him a swift slap to the back of his head as reprimand for flaunting his own water tanks and for taking the husband away from his social obligations. The Board noted that the reaction of the friend after being slapped is indicative that the slap did hurt and he grabs the back of his head and his face is reflective of pain. The Board noted the sound of a man being hit and his expression of pain. The sound effect of the slap suggested that the slap could quite easily have hurt the man. The Board considered that the sound effects were realistic and were not humorous nor could they be considered a slap stick depiction of violence. The Board considered that slapping a friend in response to such insignificant behaviour is not relevant to the product or service advertised as required by section 2.3."

In the current case, the Panel considered that the man in the current advertisement reacted negatively to being hit in the ribs, wincing painfully, and that his fall from the bed and reference to 'concussion' could be very serious. The Panel considered that the depiction of someone being in pain and the suggestion that they could be suffering due to the actions of another person could not be considered a slap stick depiction of violence.

The Panel noted that there is significant community concern relating to the issue of domestic violence, and that a depiction of a woman physically abusing her partner was in contrast with this concern. The Panel noted that the basic premise of the advertisement relating to a snoring partner is a common scenario in many homes however the Panel considered that the depiction of the woman resorting to physical



harm on her partner to address this common matter is not in line with prevailing community standards.

The Panel considered that the nature and level of domestic violence depicted in the advertisement was not justifiable in the context of advertising a sleep clinic.

The Panel determined that the advertisement did portray violence that was unjustifiable 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 complaints.

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

Thank you for your response and copy of the findings. Please be advised the ad has already been removed from the tv and a new commercial has been made.