



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0203/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Heard McEwan Legal</b>
<b>3</b>	<b>Product</b>	<b>Professional services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>22/06/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.2 - Violence Domestic violence
- 2.2 - Violence Other

### DESCRIPTION OF THE ADVERTISEMENT

A girl and boy are putting their toys away in their respective toy boxes and the boy accuses the girl of taking some of his toys and tries to take them back. The girl argues that she is not taking his toys. The male voice over then says, "Family Law. It's not child's play" and then contact details for Heard McEwan are displayed along with details of the services they provide.

### THE COMPLAINT

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

*We find it very offensive because children should not be used in such a violent advertisement. It is not good for them nor any children who may be watching the ad.*

### THE ADVERTISER'S RESPONSE

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

*In response to the complaint regarding the Heard McEwan Legal television commercial broadcast on WIN Television, we completely refute the suggestion that the commercial breaches any Code of Ethics. Indeed the complainant has the facts wrong in every respect to the complaint being made.*

*To take issue point by point:*

*The commercial does indeed show two children aged about 4 (with full parental approval on the content and concept) but they are certainly not acting out as adults. They are portraying a typical brother and sister having a dispute over whose toy is whose.*

*There is no yelling by either of them.*

*Neither of them throws anything. They are both putting toys in their respective toy boxes.*

*The boy does try to snatch his toy back from the girl but there is no physical threat posed by either of them.*

*The boy does not walk out at the end of the commercial.*

*It is not a commercial for domestic violence. It clearly shows the areas being targeted are divorce, property settlements, pre-nuptial and de facto settlements, mediation and advice.*

*We believe any child watching this commercial will only see two children having a very typical sibling dispute over toys. There is no violence or inappropriate behaviour shown in the commercial that could in any way be interpreted by children, let alone adults, as anything other than child's play. We therefore ask that the complaint be dismissed.*

## **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 shows violent scenes that may be upsetting for and copied by children.

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

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 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 features a young girl and boy arguing over toys as they put them in their respective toy boxes.

The Board considered that the advertisement shows real life scenes that are intended to capture the viewer's attention as they can directly relate to the scene being carried out. The Board considered that most members of the community would not consider the advertisement to be a violent or inappropriate behaviour as it so accurately reflects a real life situation.

The Board noted that, although the advertisement suggests that the children are arguing there is not a depiction of violence and the reality of the situation did not give rise to an impression of mimicable or distressing behaviour for children who may see the advertisement.

The Board considered that there is no violence depicted and the advertisement did not breach Section 2.2 of the Code.

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