



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0229/14
2	Advertiser	Epworth Healthcare
3	Product	Health Products
4	Type of Advertisement / media	Radio
5	Date of Determination	09/07/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features the sound of gun shots and a voiceover saying, "The reason most people don't have a regular check up is because they think they're bullet proof. And the reason most people should have one, is because quite frankly, they're not" We then hear a thud as though someone or something is falling to the ground. The voiceover then goes on to say, "For a thorough check up conducted by an expert team of team of doctors, call Epworth HealthCheck."

THE COMPLAINT

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

Sound of someone being shot and killed.

THE ADVERTISER'S RESPONSE

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

The commercial was broadcast on several radio stations over at least 2 years. In complaint refers to the commercial being broadcast on 1116SEN in Melbourne . SEN is a 24 hour sports radio station with a fully talk format. It as a target audience of Males aged 25-54, which fits with the intended audience for the radio commercial in question.

We believe that:

The commercial is not intended to discriminate or vilify a person under any of the criteria listed in Section 2.1 of the code of ethics

The commercial is not exploitive or degrading to any listener (2.2)

It does not include any reference to sex, sexuality or nudity (2.4)

It does not carry any offensive language (2.5)

Addressing the main complaint that it uses/depicts violence we believe that in the context of the issues of Health that the commercial raises, that the violence is a graphic representation that people are not bulletproof in terms of potentially fatal health issues and the consequences of not having a regular health check.

In our opinion the sound effect used are "cartoony" in nature, and any violence could not be seen as more than theatrical rather than realistic. We believe a person listening could reasonably be expected to make that distinction.

Addressing the issue around prevailing Community Standards on Health and Safety, we believe that encouraging regular health checks in men falls well within those standards. The use of gun shots to illustrate the need for those health checks is simply a graphic device intended to make the listener realise the potential health risks of ignoring the message.

The complaint raises the issue that the commercial is not suitable for children, While we take reasonable care when scheduling material that may be sensitive to children, we cannot guarantee that a child will not hear it. We accept that the commercial uses "cartoon violence" to make its point but could it not be reasonably be interpreted as realistic to the intended target audience.

To date, this is the first complaint we have received about this particular advertisement. There have been no phone calls, texts or emails, or any written complaints to our CEO relating to this campaign.

The Epworth HealthCheck advertisement subject to this complaint was aired on SEN during Men's Health Week from 9 - 15 June. The advertisement is no longer on air and following notification of the receipt of the complaint, Epworth has made the decision not to continue any use of this advertisement in the future. Additionally, we will take into consideration the concerns raised in this complaint when developing future advertisements for our services.

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 the sound of someone being shot and killed.

The Board reviewed 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 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 this radio advertisement features the sound of gun shots and then as the voiceover says people are not bullet-proof we hear the sound of some impact which is assumed to be someone or something falling to the ground.

The Board noted that as this is a radio advertisement we do not see who or what the bullets are being fired at and considered that as the voiceover is talking about people, it would be safe to assume that a person hit by a bullet would be hurt, however there is no sound effect to indicate injury or pain.

The Board noted that the advertisement is played on the radio and considered that the audience could include children. The Board noted that the advertised product is a health check and considered that the suggestion that people are not bullet-proof is not inappropriate in the context of health checks. The Board noted that there is increasing community concern surrounding gun crime but considered that in this instance the advertisement is clearly the sound of a gun shooting at targets and not at people, but is using a common metaphor in relation to health awareness which in the Board's view is justifiable in the context of the advertised product.

Based on the above the Board 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 Board dismissed the complaint.