



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0248/14
2	Advertiser	Samsung Electronics Aust Pty Ltd
3	Product	House Goods Services
4	Type of Advertisement / media	Free TV
5	Date of Determination	23/07/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Violence Violence
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement involves a father and child standing in an arena with characters entering the arena and a noisy audience. The father and child are then 'transported' back to their lounge room and the scene is revealed to be footage that the pair is viewing on their Samsung Curved UHD LED TV. A voiceover in the Advertisement then states "Surround your senses... with the new curved UHD LED TV...From Samsung".

THE COMPLAINT

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

I think it's stupid that a boy so young is watching a show which should be rated far beyond his age range.

I object to the scenario presented which is:

Man gets up in the morning thinks I'll watch what is obviously going to be a bloody battle in a Roman arena with my small son and this is presented as a good parent/child relationship.

I doubt if the child is of an age that should be watching such a program in the first place but to present this as "normal" behaviour by a parent is not a good example.

Two teenagers sitting on a couch instead watching the scenario on the TV not a problem but not an adult and a small child?

Can't believe they couldn't have come up with more appropriate vision for the ad.

THE ADVERTISER'S RESPONSE

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

Background

Samsung Electronics Australia Pty Ltd (Samsung) would like to thank the Board for the opportunity to respond to the complaint made against Samsung's recent television advertisement in relation to the Samsung Curved UHD LED TV (Advertisement). Samsung takes its responsibilities under the AANA Code of Ethics (the Code) seriously. Samsung believes that the Advertisement does not depict any material that is contrary to prevailing Community Standards on health and safety or that infringes any other provisions of Section 2 of the Code.

The Advertisement

The Advertisement involves a father and child standing in an arena with characters entering the arena and a noisy audience. The father and child are then "transported" back to their lounge room and the scene is revealed to be footage that the pair is viewing on their Samsung Curved UHD LED TV. A voiceover in the Advertisement then states "Surround your senses.... with the new curved UHD LED TV...From Samsung".

The Advertisement was first broadcast in Australia on 18 May 2014 and is scheduled to run until 26 July 2014. The duration of the Advertisement is 30 seconds. We also confirm that Samsung submitted the Advertisement to CAD prior to its first broadcast and on 5 May 2014, CAD issued number: WZI2THEA, for the Advertisement with a "W" rating.

The Complaint

The complaint relates to the Advertisement, in particular, a certain segment where the father and child are viewing the arena scene on the TV towards the end of the Advertisement (Viewing Segment). The complainant objects to the Viewing Segment on the grounds that:

- i. "the child is clearly of an age when he/she should definitely not be viewing such a scene";*
- ii. the Viewing Segment "would most certainly not be a PGR movie, which the child would be able to watch"; and*
- iii. "the level of implied action and violence, would have to be at least a M rated movie, and any responsible adult would not have the child on the lounge watching with him."*

Samsung disagrees with the complainant and strongly denies that the Advertisement breaches Section 2 of the Code in any way.

Section 2 of the Code

Samsung does not consider that the Advertisement raises issues under Section 2.1 (regarding discrimination or vilification); Section 2.2 (regarding employing of sexual appeal in an exploitative or degrading manner); Section 2.4 (regarding sex, sexuality and nudity); and Section 2.5 (regarding strong or obscene language) of the Code. Samsung addresses Section 2.3 and Section 2.6 of the Code in more detail below.

Section 2.3 – Violence

Section 2.3 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.

Samsung submits that the Advertisement does not present or portray violence which would be in breach of Section 2.3 of the Code. The gladiator characters in the Advertisement are

perceived as beginning to run toward the father and son before the pair "returns" to the lounge room. Throughout the scene where the pair are "in the arena", the father is depicted as being calm and standing straight (not cowering) and looks intrigued/excited (not afraid). The child also does not look scared – even during the close up of the child peering from behind his father, the child looks intrigued rather than frightened. The Advertisement is not intended to create a sense of fear or violence, as evidenced by the body language of the father and the facial expressions of both the father and son. Accordingly, Samsung submits that the Advertisement does not give the impression that the father and son feel threatened or afraid in any way and that the Advertisement in fact, depicts an unrealistic situation. In this regard, Samsung notes that in Case Number 0370/10, the Board considered the advertisement in that case “depicted an unreal situation, far removed from reality”. This determination ultimately led to the complaint in that case being dismissed.

Samsung further submits that the Advertisement does not present or portray any character striking another person, and no person in the Advertisement is portrayed as having been physically injured. As such, the Advertisement does not present or portray violence and is not in breach of Section 2.3 of the Code.

The complainant also alleges that certain scenes in the Advertisement show “animals...about to attack”. Samsung notes that the Advertisement does not feature any animals.

Section 2.6 – Health and Safety

Section 2.6 of the Code states:

Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Samsung appreciates the importance of producing advertising and marketing communications that are in accordance with prevailing community standards on health and safety. Samsung does not consider that the Advertisement, in particular the Viewing Segment, depicts material contrary to these standards.

Samsung denies the allegation that the Viewing Segment is unsuitable for viewing by a child without adult supervision. The CAD classification rating for the Advertisement is "W" (General/Warning). A CAD rating of "W" has fewer broadcast restrictions than the 'PG' (Parental Guidance) rating (CAD Rating "P") and far fewer broadcast restrictions than the 'M' (Mature) rating (CAD Rating "M"). The 'W' rating demonstrates that the Viewing Segment in the Advertisement has not been considered by CAD as having a CAD Rating 'P' or CAD Rating "M", as alleged by the complainant. Furthermore, the depiction of a child watching the Viewing Segment with adult supervision is not contrary to prevailing Community Standards on health and safety and does not breach Section 2.6 of the Code.

Conclusion

The Advertisement is intended to demonstrate the innovative features and design of the new Samsung Curved UHD LED TV. The Advertisement does not present or portray violence and does not, in any way, depict material that is contrary to prevailing Community Standards on health and safety. Samsung considers that the "W" CAD rating demonstrates that the Advertisement, in particular the Viewing Segment, would not attract a CAD rating 'P' or higher.

Accordingly, Samsung submits that the Advertisement is not in breach of Section 2 of the Code in any respect and the complaint should 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 concern that the advertisement shows a child watching scenes from a gladiator style movie that is inappropriate for a child and could be alarming if viewed by young children.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the advertisement features a young boy and his Dad rising up in the middle of a battle arena in their pyjamas. Characters are seen running toward them as the scene returns to the lounge room of their home and the new curved screen television. The boy and his Dad are seen watching the television as the voiceover describes the new product from Samsung.

The Board noted the complainant’s concern that the type of movie or program being viewed by the child would be inappropriate and cause alarm for a young child.

The Board noted that the advertisement is promoting the features of the new curved screen television and the lifelike appearance of what is being viewed. The Board noted that the original scene with the Father and Son in the arena is clearly unrealistic and the fact that they are standing in the arena in their pyjamas while Dad holds a cup of tea adds to the stylised nature of the scene.

The Board noted that the advertisement itself has been given a ‘W’ by rating by CAD and that the advertisement was aired in the appropriate time for the rating given. The Board noted that it cannot comment on the suitability of the program that the father and son are watching for the purposes of the advertisement as it is not clear what rating the program being watched would have.

The Board acknowledged that scenes of fighting and combat in a battle arena could be frightening to young children but that the child in this advertisement was watching the television in the safety of his own home with his Father with him and the overall feel of the advertisement did not amount to material that was contrary to prevailing community standards on program choice, particularly under the supervision of an adult.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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

