



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0252/18</b>
<b>2</b>	<b>Advertiser</b>	<b>Monash University</b>
<b>3</b>	<b>Product</b>	<b>Education</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Cinema</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/05/2018</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Graphic Depictions

2.3 - Violence Violence

## DESCRIPTION OF THE ADVERTISEMENT

This cinema advertisement begins with the text "Some may find the following disturbing" followed by fleeting images of real world events and issues taken from evening news bulletins.

The words "if you don't like it" are displayed next, followed by scenes of people advocating for change.

The words "change it" are then displayed, followed by a series of scenes showing education and research activities at Monash University.

The Advertisement concludes with scenes of students walking through Monash University campuses, a student looking at the camera and then the Monash University logo.

The Advertisement features the music track "Blaccout".

## THE COMPLAINT



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

*Using the deaths in the Middle East and people being burned alive in the London apartment fire*

## **THE ADVERTISER'S RESPONSE**

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

*Description of the advertisement*

*The Advertisement is part of Monash University's "if you don't like it, change it" campaign which aims to encourage people who want to make a positive change in the world to do so through education and research.*

*The 60 second Advertisement begins with the text "Some may find the following disturbing" followed by excerpts of footage from evening news bulletins. The footage shows fleeting images of the following:*

- *Man from Democratic Socialists of America gets assaulted from the side by hooded man.*
- *Military troops on dirt road in Iraq.*
- *Security forces clashed with Palestinian protestors in Beit Eil over Trump's decision to recognise Jerusalem as Israel's capital.*
- *Protesters shout and wave flags in Tahrir Square during the 2011 Egyptian Revolution.*
- *Crowds fight police in riot gear.*
- *Russian army military, Russian weapons at the landfill.*
- *Dress rehearsal of Victory Day Parade in Moscow.*
- *Republicans push tax bill.*
- *Sydney police charged 6 people over 2.8-tonne drug bust- the second largest haul in Australian history according to the police.*
- *Intravenous drug paraphernalia, including the hand of a user.*
- *Cyclone Debbie Northern Queensland.*
- *Hoi An flooded after Typhoon Damrey. Man in boat on flooded street.*
- *Malnutrition in Bangladesh - mainly Rohingya refugees.*
- *Fire - environment disaster.*
- *Glacier collapsing.*
- *Polar bear on melting ice cap.*
- *Young child dressed as cowboy holding toy gun.*
- *Car burning.*
- *Heavy fighting in Damascus between Syrian Arab Army and Al-Nusra front, Al-Qaban*



*district*

- *Syrian regime forces attack on an opposition-controlled preschool in Salaheddin region of Aleppo.*
- *Car bomb kills five in rebel-held Syrian town of Azaz by the Turkish border.*
- *South Korea military conducting a live fire ballistic missile drill.*
- *People looking through binoculars.*
- *Elephant in the wild, falling to ground.*
- *Elephant ivory trade.*
- *Trump dancing head.*
- *Trump supporter cheering.*
- *Social media.*
- *Smoke stacks pollution.*
- *Refugee on boat.*
- *Grenfell Tower fire 2017.*
- *Ebola crisis in West Africa. A man zips up a hazmat suit followed by a group of hazmat suited men carrying a stretcher out of building.*
- *Anorexia.*
- *Obesity.*
- *Elderly in a nursing home.*
- *Stock market crash.*
- *Blood and bullets.*
- *Hungary - group of migrants breaking through police lines. A camerawoman kicks out at children who are trying to rush/run past to safety.*

*The words "if you don't like it" are displayed next, followed by scenes of people advocating for change.*

*The words "change it" are then displayed, followed by a series of scenes showing education and research activities at Monash University.*

*The Advertisement concludes with scenes of students walking through Monash University campuses, a student looking at the camera and then the Monash University logo.*

*The Advertisement features the music track "Blaccout" by rap duo A.B. Original.*

*Comprehensive comments in relation to the complaint*

*Monash University is a strong supporter of Ad Standards and the codes it administers, including the AANA Code of Ethics (Code). It takes great care to ensure that its marketing campaigns are compliant with all relevant laws and codes including the Code. Accordingly, Monash University takes very seriously, the fact that a complaint has been made about the Advertisement. In response to the complaint Monash has*



*reviewed the Advertisement carefully and critically against section 2 of the Code. In doing so, it maintains that the Advertisement does not offend the Code.*

*The Advertisement is a 60 second film in Monash University's broader "if you don't like it, change it" campaign which has included prominent publication in major newspapers, outdoor advertising and other online forums. The Advertisement is a call to action. It identifies serious social issues which currently divide our global society and challenges potential students and community partners to make a change. It aims to encourage the audience to consider why each relevant issue came to be, whether measures to address the issue have been adequate and what alternative measures could be taken to reach a different more positive outcome. It promotes Monash University as a place where positive change can be made through education, research and collaboration with community partners. The essence of the Advertisement is the promotion of advocacy, innovation and intellectual debate as an alternative to the violence, unruly protest and lawlessness.*

*For the reasons set out below, Monash University strongly disagrees that the Advertisement contravenes section 2 of the Code in any way.*

*Monash University also notes that the Advertisement is a lengthier version (with the same theme) as the 30 second advertisement which has been the subject of two previous complaints (Cases 0192/18 and 0227/18), which complaints were dismissed by the Ad Standards Community Panel.*

*Application of section 2 of the Code*

*Ad Standards has identified section 2.3 of the Code as being potentially relevant to the Advertisement and noted that the Ad Standards Community Panel will review the Advertisement against section 2 of the Code in its entirety.*

*For the reasons set out below, Monash University disagrees that the Advertisement contravenes section 2.3 of the Code. Monash University considers that the remaining provisions of section 2 of the Code are not relevant to the Advertisement. In particular, the Advertisement does not:*

- portray people or depict material in a way which discriminates against or vilifies a person or section of the community in any way (section 2.1 );*
- employ sexual appeal in any way (section 2.2);*
- involve sex, sexuality or nudity (section 2.4) (noting that potential nudity in the scene of people advocating for change is blackened out);*
- use strong or obscene language or any other language which is inappropriate in the circumstances (section 2.5) (noting that potentially obscene language in the soundtrack is bleeped out);*



- *include images of unsafe practices, or otherwise depict material contrary to prevailing standards on health or safety (section 2.6); or*
- *suggest that the Advertisement is anything other than an advertisement for Monash University and its call to action (clause 2.7).*

*Further, the Advertisement is not an advertising or marketing communication directed primarily to children, nor does it market food or beverages. Accordingly, we have not addressed the specific MNA codes relating to such advertising and marketing communications in this response.*

*The Advertisement complies with section 2.3 of the Code*

*Clause 2.3 of the Code provides that "Advertising and Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".*

*As indicated above, the Advertisement is a call to action which identifies serious social issues dividing our society and challenges the audience to make a positive change through education and research as an alternative to current resolution mechanisms (which is often by unlawful and violent means). These are inherently confronting issues (many of which involve violence) and the audience is warned at the beginning of the Advertisement that "some may find the following disturbing". The Advertisement has also only been shown at cinemas before M-rated movies.*

*The complaint made about the Advertisement raises the concern of "Using the deaths in the Middle East and people being burned alive in the London apartment fire".*

*With respect to the complainant, Monash University strongly disagrees that the Advertisement contravenes section 2.3 of the Code. The Advertisement does not glorify violence in any way; to the contrary, it uses factual information in an informative manner to raise serious social issues and challenge the audience to consider ways to resolve such issues through non-violent means formulated or informed by education, research or collaborative endeavours with community partners. The relevant footage was not created for the sake of portraying violence in the*

*Advertisement; rather, it has been taken from actual news broadcasts and presents an accurate depiction of real world issues in a manner which is informative to the viewer and frames the issue for reflection and consideration. It is used to convey the message that education and research is a route to positive change and should be considered as an alternative to current*

*(Inadequate) resolution mechanisms such as violence. Furthermore, although Monash University considers that the relevant footage is relatively mild in impact given the fleeting nature of the imagery, the potential impact on more sensitive viewers is mitigated by the warning at the beginning of the Advertisement. For these reasons, in*



*the context of Monash University's "if you don't like it, change it" message; the inclusion of the footage which presents or portrays violence is appropriate and justifiable.*

*The images of Middle East conflicts and the Grenfell Tower fire were included in the Advertisement because these issues/events are real life examples of where Monash University is seeking to bring about a positive change to ongoing global issues. For example, Monash University's Gender, Peace & Security Centre conducts research which focuses on ending armed conflict and the search for peace, and it has partnered with the Australian Department of Foreign Affairs and Trade to help shape policies. In the case of the Grenfell Tower fire, Monash University's civil engineering department uses research to make infrastructure more resilient to the pressures of fire, flooding and attacks.*

*Accordingly, Monash University respectfully submits that the Ad Standards Community Panel reach the conclusion that the violence presented or portrayed in the Advertisement is justified in the context of the product or service advertised.*

*Monash University submits this conclusion would be consistent with the Ad Standards Community Panels recent determinations in relation to the 30 second advertisement in Monash University's "if you don't like it, change it" campaign (Cases 0192/18 and 0227/18) as well as previous determinations by the Ad Standards Community Panel that advertisements raising awareness or making a statement about social issues can be justified in using graphic images, if those images are relevant to the issue, are not overly graphic or inappropriate to be viewed by a large audience. Recent examples of such determinations are Cases 0355/16, 0190/16 and 0046/16.*

*For the reasons set out above, we respectfully ask that the Ad Standards Community Panel dismisses the complaint.*

*Schedule 1 – Lyrics*

*y'all feel that? x 4*

*I'm just selling what their buying, they just telling all them lies*

*They got it black and white, that's just kindling for my fires,*

*This minefield is my field, this bomb shit? my yield -*

*These bombs aren't what time heals it's my time - how that feel?*

*Yeah the big bully built the wall, yeah the big bully killed them all,*

*huffin and puffin they blew it (blew it) I don't get stopped I get through it (y'all feel that?)*

*Y'all step off when I step in, check out when I check in,*



*Them big bucks in the business of blood, they can't even tell when its &It; from the mud*

*It's a black out !*

*We pulled the plug (ya'll feel that?)*

*Said no I don't, said no I don't, said no I don't believe that x 4  
ya'll feel that?*

## **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 complainant's concern that the advertisement depicts inappropriate violence.

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

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 Cinema advertisement begins with the text "Some may find the following disturbing" followed by excerpts from evening news bulletins. The footage shows fleeting images including a man being punched, an elephant being shot, a riot, drug paraphernalia, a flood, car bomb and a building on fire.

The Panel noted the complainant's concern that the advertisement contains footage of deaths in the Middle East and the London apartment fire.

The Panel noted the advertiser's response that the advertisement identifies serious social issues and challenges potential students to make a change, and that a disclaimer is included at the beginning of the advertisement.

The Panel considered that the overall message of the advertisement is to resolve such issues as are shown in the advertisement, using the tagline "If you don't like it, change it".

The Panel considered the advertiser's response that the advertisement footage had been taken from actual news broadcasts and presents an accurate depiction of real world issues in a manner which is informative to the viewer.

The Panel considered that a number of the images contained in the advertisement were violent, including a scene where a man is punched in the head, the elephant



falling to the ground, a young boy playing with a toy gun and a riot. The Panel noted that the imagery used in the advertisement is meant to be disturbing and is intended to highlight that education is a way of achieving positive changes.

The Panel noted it had considered a different version of this advertisement on Youtube in case 0227/18, in which:

“The Panel considered that a number of the images contained in the advertisement were violent, including a scene where a man is punched in the head, the elephant falling to the ground, a young boy playing with a toy gun and a riot. The Panel noted that the imagery used in the advertisement is meant to be disturbing and is intended to highlight that education is a way of achieving positive changes”.

The Panel noted it had also considered a different version of this advertisement on on-demand television in case 0471/17, in which:

“The Panel considered that in this case, the advertisement was clear in its messaging that the images were negative images, with the first scene being a disclaimer acknowledging that the images to follow do have the potential to be upsetting, followed by “if you don’t like it, change it” The Panel considered that the advertisement portrayed violence in a manner which was justifiable in the context of the product or service advertised and determined that the advertisement did not breach Section 2.3 of the Code.”

Consistent with the determination in cases 0471/17 and 0227/18 the Panel considered that the violent imagery is justifiable in the context of an advertisement promoting change through education, where there was a warning about the graphic images at the start and a call to action to ‘change it’. The Panel 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 Panel dismissed the complaint.



