



Case Report

1	Case Number	0263/14
2	Advertiser	Woolworths Supermarkets
3	Product	Toys and Games
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 Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on a stuffed toy seated on a chair before exploding whilst a boy says, "We don't tolerate un-fun toys". The boy is seated in a chair stroking a cat in the style of a Bond or Austin Powers villain. He is flanked by other children also dressed as traditional villains (wearing eye patches, military uniform, white suit and bow tie). The children then go on to list the toys currently on sale at Big W and we see images of the toys on a screen.

THE COMPLAINT

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

I object to the theme used to sell toys ... Austin Powers movies are quite fun to watch as an adult, however, are usually rated M because of their aggressive nature and language.

To show kids in such an aggressive manner to sell toys ... really?

I believe what got me the most is the fact that a stuffed animal was blown up.

The other day, on the news, a teenager was arrested for mutilating a cat and causing other harm.

Is it okay for a kids toy commercial to teach other kids that it's okay to do that ... let alone to go around being so aggressive.

Again ... I don't believe any harm was intended ... the creators wanted to obviously make it

fun ... unfortunately, I don't believe anyone's thinking of our kids and their future and what impact this kind of viewing would have.

THE ADVERTISER'S RESPONSE

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

BIG W takes its advertising obligations very seriously and believes that the complaint should be dismissed for the reasons stated below.

It is not BIG W's intent to cause offence or encourage violence with this advertisement. The characters portrayed are 'Evil Genius' and are based around a mixture of James Bond style villains – which we know children like to watch.

BIG W has not received any other customer contacts with regard to the nature of this advertisement and therefore contends that if it were a prevailing societal view that this advertisement was problematic with regard to current ethical standards, significantly more complaints would have been received.

BIG W appreciates your careful consideration of the complaint and our position outlined above. We trust that given further context you will accept our submission that this 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 concerns that the advertisement depicts a toy being blown up and this may encourage children to copy the behaviour which is unsafe.

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 a toy seated on a chair that is blown up. The Board noted that the children in the advertisement are portrayed as being evil villains or agents as they sit with eye patches and dark clothing. The Board noted that one boy has a cat sitting on his lap as he speaks to the camera about not tolerating “un-fun toys.” The Board considered that the initial scene is reminiscent of James Bond style movies, or Austin Powers and television programs such as MI-9.

The Board noted that the viewer does not see how the toy is blown up and that there are no children around the chair when the toy explodes. The Board considered that the suggestion of blowing something up is of a mild violent nature, however in the context of children posing

as agents or villains and in connection with the promotion of a toy sale, the overall impression is one of fantasy not one of strong violence or the promotion of violence. The Board noted that the advertisement was given a W rating by CAD and considered that the advertisement did not depict violence that was unjustified in the context of the product being advertised and not inappropriate for the rating given and did not breach section 2.3 of the Code.

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 complainants concern regarding the likelihood that children may attempt to blow up toys and that this could be unsafe.

The Board noted that the advertisement clearly depicts children play acting or dressing up as characters that would be seen in television programs and movies and that the overall impression is about play by children.

The Board noted that the exploding toy is a fleeting part of the advertisement and that the children are not seen blowing the toy up or attempting to blow it up. The Board noted that most members of the community would recognise the unrealistic setting that the children are in and considered that even young children would recognise that the advertisement is not encouraging or condoning blowing up toys or other items other than as a pretend game and that it does not depict material that is contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

The Board noted that it had also considered the same advertisement on the internet (ref: 0274/14) and dismissed the case in that instance as well on the same grounds.

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