



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0267/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Commonwealth Bank of Australia</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/07/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.6 - Health and Safety      Unsafe behavior  
2.6 - Health and Safety      within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

James Magnussen is seen training in Sydney - he is jogging along a track by the sea. Suddenly three men dressed up as the letters C, A & N run up behind him. Side by side they form the word CAN and cheer him along as he runs. Then a man dressed as the letter T appears spouting phrases of discouragement (in a humorous fashion). T walks backward during a conversation between the letters and then stumbles off a low ledge into the ocean.

### THE COMPLAINT

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

*I ask that the following ad on TV and other versions of it in different media be withdrawn from circulation or publication as soon as possible.*

*The ad of concern is by the Commonwealth Bank as part of their CAN campaign.*

*This ad involves four people in costumes depicting CAN and T respectively.*

*C A and N are in a group and the person in the in the T costume walks backwards over a cliff.*

*I find this offensive and potentially dangerous from two perspectives.*

*Firstly that as person in the in the T costume was walking slowly backwards a cliff there is a reasonable expectation the C A and N would try to avoid T from falling over the cliff.*

*And secondly that if T did fall over the cliff that C A and N would check if T was ok and offer assistance as required.*

*As this is an ad for the Commonwealth bank I believe it shows that the bank CAN but does not necessarily care for others.*

*As this ad was aired during the TV programme "The Voice" on channel 9 18 June 2012 with a viewership of probably 2 million in Australia with probably half of those viewers being under 18 years old I believe that sending a message to those people that it is ok to let a cohort fall off a cliff and not to look after them is ok. I believe this is the wrong message to send to anyone and contravenes community standards and health and safety considerations. I have been a loyal customer of the Commonwealth bank since 1975 and will continue to be so.*

*I believe the previous ad in this campaign featuring Toni Collette was promoting positive aspects of the Commbank but this ad promotes the contrary.*

*I wish the best for that bank and am sorry to have to write this document.*

*So far I have spoken with Channel 9 Commbank and the Advertising Standards Bureau as I wish that this ad is removed as soon as possible to reduce what I believe to be the dangerous underlying message in the ad*

*Please contact me with your feedback and if you require further information regarding the above.*

## **THE ADVERTISER'S RESPONSE**

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

*I am writing in response to the complaint relating to our Commonwealth Bank 'CAN' advertisement.*

*We understand that the complaint has been made citing a breach specifically of Section 2.6 of the Advertiser Code of Ethics, which states:*

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

*This advertisement is part of an integrated advertising campaign created to help embed our new brand positioning, "Can". This positioning not only reflects the bank's point of differentiation from its competitors, but also aims to instill a sense of positive reinforcement that with CommBank, our customers can reach their full potential and achieve their goals.*

*The original ad in the campaign, which featured well-known Australian actress Toni Collette reading "An Ode to Can", noted that:*

*"There's a four-lettered word*

*As offensive as any*

*It holds back the few*

*Puts a stop to the many.*

*.....*

*But those four little letters*

*That end with a T*

*They can change in an instant*

*When shortened to three.*

*.....*

*We can say I'm someone*

*Who refuses to think*

*That life can't be better  
With the removal of one  
Insignificant letter."*

*Our sponsorship of the Australian Olympic Team provides the perfect opportunity to promote this incredibly positive message to consumers. We've created the advertisement that is the subject of this complaint, featuring James Magnussen, as one of many to illustrate how this sentiment can be used to support our Olympic team in the forthcoming London 2012 Olympic Games – and encourage all Australian's to support them too.*

*The characters "C", "A" and "N" are an embodiment of the CAN ethos – they are completely fictional, anthropomorphic letter characters that represent the bank's positioning and support of the Olympic Team. The character "T", equally fictional and anthropomorphic, by contrast represents the doubt that might prevent anyone (in this context, James Magnussen) from achieving what he sets out to do.*

*In this particular advertisement, the character "T" whilst spouting phrases of discouragement (in a humorous fashion) walks backward and then stumbles off a low ledge into the ocean. The metaphor being that by removing "T" from the conversation, the doubtful element that would prevent goals from being achieved has been removed.*

*The advertisement goes on to show that, whilst "T" is upset in the water, it's because he can no longer be the voice of discouragement, not because he is injured or in an unsafe predicament. In actual fact, he is quite safe as he is being supported by a larger than normal floatation device, ie. the "T" costume.*

*We feel the scene is in keeping with the light-hearted nature of the advertisement and only tries to illustrate the concept "CAN" Vs "CAN'T" in a fun, light-hearted and humorous way through the use of fictional 'letter' characters. We do not believe the advertisement contravenes any prevailing community standards or health and safety considerations, and certainly don't believe there is any dangerous underlying message within our advertising. For these reasons, we feel the advertisement should remain on air and in all other scheduled mediums.*

*At Commonwealth Bank, we will continue to observe and promote impeccable health and safety standards within our organisation and in our communities and we firmly believe that all our advertising reflects this commitment.*

*This advertisement also carries the endorsement of the Australian Olympic Committee, James Magnussen and his management.*

## **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 is offensive and potentially dangerous.

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

The Board considered whether the advertisement was in breach of 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 that the advertisement depicts James Magnussen jogging along a track by the sea. Three people dressed up as the letters C, A & N run up behind him. Side by side they form the word CAN and cheer him along as he runs. Then a person dressed as the letter T appears spouting phrases of discouragement. The letter T walks backward during a conversation between the letters and then stumbles off a ledge into the ocean.

The Board noted that the use of one of the Australian Olympians, ie: James Magnussen is consistent with the sponsorship arrangement that the Commonwealth Bank have with the 2012 Australian Olympic team. The Board considered that the people dressed up as letters is also an extension of the current campaign associating the Bank with positive actions and words such as “CAN” rather than “CAN’T”.

The Board noted that advertisement first shows the letters running after encouraging James as he trains until the letter T arrives and instantly offers negative suggestions toward the athlete. The Board noted that the letter T initiates a backward walk toward the edge of the cliff himself, but is then encouraged that way by the other letters. The Board noted that the letters do not touch or push the letter T, but he runs out of space and falls off the edge.

The Board considered that although the letter T is being intimidated, the scenario is clearly fictitious and staged. The Board noted that the height of the drop was very low and the landing below was into water. The Board also noted that the letter T is shown to have made the drop without harm and is depicted floating away and moving himself along in the water. The Board determined that the advertisement did not depict or condone material contrary to prevailing community standards on health and safety.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.