



# Case Report

1	Case Number	0274/14
2	Advertiser	Woolworths Supermarkets
3	Product	Toys and Games
4	Type of Advertisement / media	Internet
5	Date of Determination	23/07/2014
6	DETERMINATION	Dismissed

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

The advert shows at the head one of our products on a black chair which is then subsequently blown up.

## THE COMPLAINT

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

*I object to the advert on two counts:-*

- 1) the product in question being blown up is my own company,s product and as this has been pointed out by a number of our collectors they are also not happy with the advert in question.*
- 2) must not portray images or events which depict unsafe uses of a Product or unsafe situations which may encourage Children to engage in dangerous activities or create an unrealistic impression in the minds of Children or their parents or carers about safety;"*

## THE ADVERTISER'S RESPONSE

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

*BIG W takes it 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 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 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 and 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 mildly 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 then 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 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 television (ref: 0263/14) 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.