



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0279/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Metlink Victoria Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Travel</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/07/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.2 - Violence Domestic violence
- 2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

A heavily made-up woman is standing at an open window, in the background we see a younger man in the woman's bed. The door opens and the woman's husband enters the room. He asks her what is going on and grabs her by the shoulders and says "This time you've gone too far!" and the image begins to blur.

The image sharpens and shows the woman sat on a bus, reading a book. A fellow passenger is shaking her, trying to wake her, saying: "You've gone too far... You've missed your stop".

### THE COMPLAINT

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

*I object to this commercial for several reasons listed below:*

- 1) It isn't appropriate to use domestic violence for comedic purposes within the constructs of a televised commercial*
- 2) Framing it as a soap opera makes it seem dramatic, absurd and unrealistic. This potentially furthers public opinion that domestic violence isn't that serious*
- 3) It portrays the older man as a gentleman and entitled to commit violence as the woman has erred and had sex with another man*
- 4) It leaves the suggestion of further violence about to occur*

5) *As this is all part of the woman's fantasy it implies that she wants that to happen. Furthering the myth that women really want men who will be men and be aggressive when their women (property) is threatened.*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for the notification of the advisement complaint – reference 0279/10 made to the Advertising Standards Board. Provided below is some background on Metlink's bus campaigns and our rationale for developing the creative execution in question. I am confident that you will concur that Metlink has produced advertising that conforms to the AANA's Code of Ethics and that the humorous content is in line with prevailing community standards.*

*Metlink is a partnership of Victoria's public transport operators, working alongside the Victorian Government Department of Transport (DoT). The organisation was formally established in 2004 to help secure increased patronage on the Melbourne metropolitan and Victoria regional public transport networks.*

*Metlink provides network-wide services such as signage and way-finding, integrated customer information, market intelligence reporting, ticketing services as well as state wide integrated marketing and campaigns.*

*As part of Metlink's 2009- 10 marketing plan, a campaign to encourage Melburnians to consider using the bus for their public transport needs was developed. There has been considerable investment in bus services over the past few years and further improvements have been announced through the Victorian Government's recent Victorian Transport Plan. These ongoing improvements will help continue to build and improve on the perceptions of buses from being the 'poor cousin' of the network to a viable and attractive alternative mode of transport. Given the capacity issues during peak time for train and tram, this campaign is also to encourage commuters to use bus services as an alternative. This campaign was developed and produced on behalf of the Department of Transport.*

*Metlink's initial bus advertising campaign was launched in 2007 to position buses as an attractive and competitive mode of transport with the value proposition 'I highly recommend you get on the bus'. The campaign was successful with a remarkable 20 – 30 per cent of non and infrequent users considering using buses post campaign. The number of passengers travelling on buses grew by 13 per cent - substantial growth in public transport terms, and the fastest growing mode for 2008. This campaign, featuring comedian Frank Woodley, utilised humour in the ads as a means creating cut through for an otherwise low interest subject.*

*In October 2008, Metlink commissioned Sweeney Research to undertake a bus specific research project; its aim was to provide Metlink with a clear understanding of attitudes towards bus services, in light of the recent service improvements that had been rolled out over the past two years. The objective was to try and understand what the broad attitudes were to public transport and how buses fit into that landscape. The extensive research showed consumers felt buses provided a comfortable journey – an 'oasis of me time'. This customer insight formed the advertising strategy for the next stage of our campaign.*

*The mass media campaign launch in June of 2010, aims to build on the previous bus positioning with the new value proposition of 'Take it easy, take the bus'. While a departure from the previous campaign creative, the use of humour is again inherent in order to create cut through with audiences and garner interest. By using the 'oasis of me time' insight, the TV ad utilised a fantasy type scenario in order to demonstrate the benefit of bus travel. The \$1.6 million campaign includes two TVCs (including the one discussed in detail below) as well as print, outdoor, online, direct marketing, radio, local sponsorships and promotions. As the TVCs have only been on air since June 5, we have not commenced our campaign evaluation. However, in an issues-rich environment such as public transport, we are glad to report that the Metlink call centre which handles up to 4000 calls per day has not received any complaints since the launch.*

*Below I will address the complaint, addressing the specific sections of the Code referenced in your letter:*

*2.1 Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.*

*The advertisement is not intended to vilify, offend or discriminate against women. The advertisement is a parody of the soap opera genre. Our concept references scenes from long running series like 'Dynasty', 'Dallas' and 'Days of Our Lives'. The series 'Days of Our Lives' is still running on television today and has been on air for 45 years. In these soap operas the viewer engagement is created by the playing out of relationship dramas between key characters in the storyline. Our TVC makes a parody of the stereotypical soap opera scenarios and is obviously to be taken as humorous and light-hearted in nature.*

*2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*The absurd soap opera scenario is designed to build to a crescendo, as the passenger on the bus gets to an exciting part of her book. The drama builds in the story to the 'reveal' that it's all in fact a dream sequence. The advertisement does not demonstrate violence or violent activity. The dream sequence builds to a dramatic high point in the advertisement. At no point does this sequence appear real or be playing out real life situations.*

*Dramatic relationship battles are played out regularly in soap operas of this genre. These series tend to over dramatise everything - the set, the characters, the wardrobe and the acting. The drama is the comedic part of the advertisement. We would expect our audience to suspend belief for the moment as the scenario is played out. This scenario is intended to be light-hearted, and does not lead the viewer to believe that any violence could or would take place between the main characters. The female character's boredom and disinterest plays straight to this drama, and the dream sequence reveals she was caught up in the 'Mills and Boon' style novel that she reads on the bus.*

*In conclusion, this ad was submitted to Free TV Australia for broadcast approval and a rating of "P" was assigned. Care has been taken by our media agency to place the ads within the appropriate allowable times. We acknowledge the advertisement may be 'adult' in its content; however we feel this is appropriate for the target audience we are aiming to reach. We hope the Advertising Standards Board takes into consideration the social, environmental and economic benefits of public transport when evaluating the advertisement, and understands the use of humour to communicate this important message to the community.*

## **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 depicts and condones domestic violence.

The Board considered whether the advertisement complied with section 2.2 of the Code which requires that advertisements ‘shall not present violence unless it is justifiable in the context of the product or service advertised.’

The Board noted that this advertisement depicts a stereotypical scene from a romance novel in which a woman is found by her husband with a younger better looking man. The Board considered that the scene is clearly exaggerated and that the image of the man shaking his wife is intended to evoke scenes from soap operas and movies such as Days of Our Lives and Gone with the Wind. The Board considered that the man shaking his wife was depicted in the soap opera context and was not intended to be or likely to be taken as appropriate or ‘real life’ behaviour.

The Board considered that the action of the man was relatively mild and was contextualized as being a man shaking a woman on the bus awake.

The Board considered that the advertisement did not depict violence and did not condone violence against women. The Board considered that the advertisement did not breach section 2.5 of the Code.

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