



Case Report

1	Case Number	0300/10
2	Advertiser	ACARA
3	Product	Education
4	Type of Advertisement / media	Pay TV
5	Date of Determination	14/07/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Violence Hooliganism-vandalism-graffiti

DESCRIPTION OF THE ADVERTISEMENT

The ad shows a number of children sitting in a bus and as they look out their windows they draw moving cartoon illustrations on the windows representing their future, imagined, occupations.

The drawings are accompanied by the voices of the children saying what they would like to do when they grow up.

The ad finishes with the children getting off the bus as it arrives at their school and a child's voice-over describing the consultation process and how feedback on the draft Australian Curriculum can be provided, and hence how the Australian public can influence what Australian children are taught and learn in school.

THE COMPLAINT

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

Surely this is graffiti? If you do this on a train or bus in WA you can be arrested and charged for graffiti.

THE ADVERTISER'S RESPONSE

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

ACARA responds to the complaint with particular reference to s2.2 of the ANA Code of Ethics.

ACARA understands that graffiti may be implied as an element of s2.2 of the Code.

ACARA understands that the complainant is concerned the advertisement depicts and encourages children to graffiti public transport.

The NSW Graffiti Control Act 2008 defines a graffiti implement as “any implement designed or modified to produce a mark that is not readily removable by wiping or by use of water or detergent”.

In this context, ACARA argues that the advertisement in question clearly depicts the cartoons on the bus windows as imaginary illustrations and notes that no implement is used by the children to mark the bus windows.

The imaginary nature of the illustrations is supported by the fact that they move and the different illustrations/ cartoons interact with each other.

The ad plays on the common action of children in tracing shapes with their fingers on vehicle windows as part of expressing imagination and creativity. There is no implication that the illustrations are not readily removable as stated in the NSW legislation.

Further, there is nothing in the ad to imply that the children act with intent to cause damage or to engage in any behaviour that may fall within the scope of violence.

The voice over also establishes the educational context of the ad and in no way supports a malicious interpretation of the actions of the children.

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 that it has previously dismissed complaints about the free-to-air version of this advertisement in Case Number 0262/10.

The Board noted the complainant's concerns that the advertisement's depiction of children travelling in a bus drawing on the windows is irresponsible and may encourage acts of graffiti and damaging behaviour to private property.

The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code 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 it has previously considered suggestions of graffiti or vandalism as depictions of violence.

The Board noted the advertisement invites people to provide feedback on the 'Draft Australian Curriculum up to Year 12' and are directed to a website to do this and also noted the voiceover: "Help Australian kids be what they want to be".

The Board considered that the advertisement depicted a fantasy scenario, that the illustrations were animated cartoons and that the children used their fingers, not an implement, to illustrate their future occupations on the windows. The Board considered that the advertisement's depiction of detailed drawings which then take on a life of their own create a clear image of fantasy and do not amount to a strong suggestion of writing on bus windows and that this action did not depict malicious destruction or damaging behaviour to private property.

The Board considered, that in this instance, the advertisement did not condone or promote hooliganism and determined the advertisement did not breach Section 2.2 of the Code relating to violence (hooliganism).

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