



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0325-20
2. Advertiser :	The Man Shake
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Nov-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.3 Violence

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts former rugby league player Wally Lewis dressed as a king holding a football. He states, "They call me the King and I feel like a king thanks to the Man Shake. Time to get rid of tiered, cranky, hungry and that gut." A man is shown eating a sandwich at a table, Wally Lewis throws a football at him, which hits him in the head and he falls backwards.

THE COMPLAINT

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

Wally Lewis is shown with a football in his hands. A man is sitting at a table eating a meal. Wally Lewis throws the football and it hits the man on the head and knocks him off his chair. This is unnecessary violence and is outside of AANA Code of Ethics Practice Note.

Nearly all advertising featuring men shows them being hit (usually in the head), or being pushed over or having something fall on them. This type of advertising is not funny.

THE ADVERTISER'S RESPONSE

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



It is obvious this advertisement is comical. Wally Lewis is dressed up as a clown. This is humour there is no intent of violence on the contrary the TVC is promoting a healthy lifestyle change. Wally Lewis was a professional football player so the throwing of the football is in line with his occupation and its fun tone.

The TVC was shot in a completely controlled environment & the ball Wally threw did not even hit the actor, that shot was a completely separate setup will the ball moved in from a very short distance from the actor as to reduce any impact to a minimum.

We can assure you that Adam MacDougall , owner of The Man Shake and producer of this TVC in no way shape or form, intended for this TVC to be inappropriate, or as addressed by the complaint 'violent.'" it is obvious it is comical and no one is injured.

We can ensure you that we will continue to go through the correct governing bodies and procedures with any future marketing material to ensure they meet the correct guidelines and standards for advertising on commercial television.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement features unnecessary violence.

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

Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The Panel noted the Practice Note for the Code includes: "Realistic depictions of the consequences of violence are not acceptable. More leeway is permitted where the depiction is stylised rather than realistic. However, advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children."

Does the advertisement contain violence?

The Panel noted that there is no definition of violence in the Code or the Practice Note.

The Panel noted that the ball is thrown at the man eating a sandwich and hits him in the head, causing him to fall backwards. The Panel noted that the man throwing the football, Wally Lewis, is a former rugby league player and his use of a ball is relevant to his persona. The Panel considered that the man eating the sandwich may have been able to catch the ball if he had been paying attention, and that there was not necessarily an intent to cause him harm. However, the Panel considered the man is



seen to be hit by the ball and, whether this is intentional or not, this would constitute violence.

Is the violence justifiable in the context of the product or service advertised?

The Panel noted that the Man Shake product often uses well known sportsmen to promote its brand and depicting Wally Lewis with a ball was relevant to his identity as a rugby league player, and more broadly relevant to the brand identity.

The Panel noted that Wally Lewis is dressed in a king costume and that the man eating did not react to the presence of others in his home. The Panel considered that the reaction of the man falling off the chair was exaggerated and not a realistic reaction to the low amount of force the ball was thrown with. The Panel noted that the man was not shown to be injured or in pain after being hit with the ball. The Panel considered that the violence depicted was slapstick and unrealistic.

Section 2.3 conclusion

In the Panel's view the low level of violence portrayed in the advertisement was justifiable in the context of the product advertised, and did not breach Section 2.3 of the Code.

Conclusion

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