



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0327/18
2	Advertiser	Gordon Legal
3	Product	Professional Service
4	Type of Advertisement / media	Radio
5	Date of Determination	25/07/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a section of an earlier episode breakfast radio show in which one of the hosts joked that he would punch another in the face. The advertisement then goes on to describe the advertiser's services.

THE COMPLAINT

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

This ad promotes violence.

THE ADVERTISER'S RESPONSE

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

Complaint reference number 0327/18



We refer to your letter dated 11 July 2018 to Gordon Legal in relation to a complaint submitted to Ad Standards on 10 July 2018 regarding an advertisement for Gordon Legal (Advertisement) that was broadcast during the Hot Breakfast show on 19 June 2018 the Triple M radio station in Melbourne.

Triple M is owned and operated by Southern Cross Austereo (SCA).

Gordon Legal has asked us to respond on its behalf to your letter.

An audio file of the Advertisement accompanies this letter.

We produced the Advertisement to make our audience aware of Gordon Legal's workplace injury services.

Gordon Legal is a sponsor of the Hot Breakfast show. The opening to the Advertisement included a snippet of banter among the hosts during an earlier Hot Breakfast show in which one of the hosts joked that he would punch another in the face. This was intended to provide a humorous introduction to Gordon Legal's sponsored message about its services in relation to workplace health and safety. The opening to the Advertisement did not involve any oversight or approval from Gordon Legal.

This reference to a host being punched in the face was light-hearted; there was no threat of actual violence. It did not present or portray violence nor, given its light-hearted nature, was it likely to incite or encourage violence or to present gratuitous violence. We think that it did not breach section 2.3 or any other section of the AANA's Code of Ethics.

However, particularly in the context of Gordon Legal's services, the opening part of the Advertisement did make light of violence and should not have gone to air. For this reason, and after discussions with Gordon Legal, we stopped broadcasting the opening part of the Advertisement on 19 June, which was the same day on which the complainant heard the Advertisement.

The opening part of Advertisement has not been broadcast since 19 June. On behalf of both SCA and Gordon Legal, we undertake that the opening part of Advertisement will not be broadcast in the future.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement is violent.



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

The Panel noted that this radio advertisement starts with the words 'Triple M's Hot Breakfast supports a safe working environment'. Followed by an excerpt from the show where one of the hosts say 'someone from the studio is going to get punched in the face' and 'wackedy wack wack'. A voice over then states 'if you're injured at work or on the road call...' and provides details of Gordon Legal.

The Panel considered whether the advertisement breached 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 Panel noted the complainant's concern that the advertisement promotes violence.

The Panel noted the advertiser's response that the hosts' banter is intended to provide a humorous introduction to the sponsored message about workplace health and safety.

The Panel considered that the advertisement appeared to be encouraging people to take action against violence, rather than promoting a violent act.

The Panel considered that the wording 'going to get punched in the face' is a violent statement, however considered that talking about punching someone in the studio was directly related to the context of workplace injury and legal services.

The Panel considered this line was brief, and said in a joking manner and considered that there was no threat or menace in the statement.

The Panel considered that this message was consistent with the language and content of the radio show and would not be considered inappropriate by the majority of the audience.

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

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

