



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0328/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Wesfarmers Kleenheat Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>House Goods Services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/08/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.3 - Violence Violence
- 2.6 - Health and Safety Bullying (non violent)

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man, 'Rodney', in his office talking about the interwebs (internet). A second man watches him and then we see Rodney vanish. He is transported into a computer screen. The second man explains you can use the internet to switch to Kleenheat.

## THE COMPLAINT

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

*I think that the ads feature violence against the 'geek' featured. In all these versions of the ad the first man is also made out to look foolish by the second man;. I would call it a form of bullying. I can't understand how the portrayal of these acts of violence has anything to do with the message "Switch to Kleenheat Gas". It is just gratuitous violence which I don't believe has any place on TV.*

## THE ADVERTISER'S RESPONSE

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

*Compliant Reference Number: 0326/16, 0327/16 and 0328/16*

*Firstly, we would like to apologise for any upset caused to the complainants by our TV advertisements that have been running on free to air TV channels. This was not our intention and we treat any complaints received with the utmost seriousness.*

*With 60 years' experience in the gas industry, we are committed to our values:*

- Safety: we care about the safety of our people, customers and community above everything we do*
- Accountability: we hold ourselves accountable to achieve great results individually, in our teams and as a company*
- Teamwork: we strive for diversity, collaboration, sharing information and constructive challenge, recognising this is critical to our success*
- Improvement: we deliver energy solutions in efficient and innovative ways, benefiting our customers, the environment and our shareholders*
- Integrity: we always operate in an ethical, open and honest way*

*The Western Australian residential gas market had a single provider until 2013. Kleenheat's entry to the market brought choice of gas suppliers to WA consumers for the first time. This campaign is aimed at raising awareness of the entry of a new provider of this service. In that context, a campaign that was memorable and engaging (even if a bit silly) was necessary for a group of consumers not accustomed to a competitive residential gas supply market.*

*To mitigate any risk of breaching the Advertising Standard Codes we consulted with The Communications Council WA and sought their advice on our TVC scripts and vision before commencing production.*

*Set out below is our detailed response in relation to Sections 2.1, 2.3 and 2.6 of the AANA Code of Ethics.*

*In relation to Sections 2.2, 2.4 and 2.5, we submit that there is no possibility the TV advertisements could contravene these provisions of the Code. Accordingly, we have not addressed those provisions in detail.*

*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, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*We do not believe that the ads in question discriminate or vilify a person or section of the community on account of the specifics detailed above. Yes, 'Rodney' (Man A) is depicted as a little boring and confusing in his dialogue. This is our intention, as we want the audience to then compare the other character, Man B, to him as being straight talking and someone the audience can warm to, like the Kleenheat brand. We also want our audience to warm to*

*'Rodney', but in a different way, finding him amusing if a little irritating, rather than vilify or discriminate against him. 'Rodney' is complex and dated in approach (akin to old energy providers) and 'Kleenheat' is modern and clear. The contrast between them is intentional and obvious, and there is a level of bemusement on the part of 'Kleenheat' which in no way amounts to bullying.*

*Further, the contrast between the two does not vilify either on the basis of the characteristics outlined in Section 2.1 of the Code. None of the humour used in the ads uses race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief to get the message across, as obviously it should not.*

*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 premise of the ads in question is one that is based upon fanciful humour, the interaction between two very different characters creates scenarios which would not and cannot happen in real life. The "violent" actions in the advertisements are not realistic – they are exaggerated, completely over the top and fantastical, including elements such as the giant, the cartoonlike safe and the 'teleport' into the computer. The ads are slapstick, the events a bit ridiculous and are intended to be entertaining and humorous. As such, there is no menace in the advertisements and, as noted below, 'Rodney' has a reprise at the end of each ad showing he is unharmed.*

*We have included some specific comments in relation to each of the ads below:*

*Complaint reference number: 0326/16 (Advertisement 1 – Pig)*

*The safe falling through the ceiling is something that is unexpected and extremely unlikely to happen. As with all of the TV spots in the campaign, we believe that it is obvious to the viewer that the predicament 'Rodney' (Man A) finds himself in is a completely fictitious one and funny rather than malicious. It's ridiculous and is intended to entertain the viewer. It does not depict actual violence.*

*It is also justifiable in portraying the simplicity of switching to Kleenheat from another more complicated supplier. Taking away the hassle and making it simple. Rodney (Man A) embodies the perception many consumers have of traditional energy companies, complicated and confusing.*

*At the end of the ad, there is confirmation that Rodney is unharmed as we see the vault wobble from side to side. His feet are noticeable as he tries to waddle off camera and says "I'll be okay".*

*Complaint reference number: 0327/16 (Advertisement 2 – Tree)*

*In this TV spot the scene when the giant uses a tree to catapult 'Rodney' (Man A) out of the driveway represents how easy it is for the consumer to move from their existing supplier to Kleenheat. As is the case with all other ads within the campaign. It is ridiculous in the extreme and could obviously never happen in 'real life'. The intended impression is one of humour and disbelief rather than one of violence, such as in The Three Stooges. The unexpected nature of the TV ad is designed to aid recognition of the brand with the audience,*

*not to offend them in any way.*

*At the end of the ad, 'Rodney' raises a hand and says "I'm tickety boo" (defined as 'in good order, fine').*

*This complaint also refers to the ad being aired at time which is before the bedtime of many young children. The fact that the ads are for residential gas highlights that the TVCs are neither aimed at, nor would they interest younger viewers. In any event, children would understand the ads depict scenarios that would not happen in the 'real world', as they would with Power Rangers, Scooby Doo, or the Roadrunner cartoons.*

*Complaint reference number: 0328/16 (Advertisement 3 – Easy switch)*

*Rodney (Man A) embodies the perception many consumers have of traditional energy companies, complicated and confusing. Man B portrays Kleenheat's brand difference of making things simple to understand. The action in the scene where Man A 'Rodney' disappears into the computer monitor is justifiable in the context of portraying the simplicity of switching to Kleenheat from a more complicated provider. It is a way of cutting through this confusion to make it easier for the audience. It's humorous and silly to ensure it's not seen as violent but instead amusing, engaging and importantly unexpected to help ensure that the brand is remembered by the audience.*

*At the end of the ad, 'Rodney' says "I feel odd" when he is trapped in the computer monitor, proving that he is not harmed.*

*Rodney (Man A) embodies the perception many consumers have of traditional energy companies, complicated and confusing. Man B portrays Kleenheat's brand difference of making things simple to understand. The action in the scenes where Man A 'Rodney' disappears are justifiable in the context of portraying the simplicity of switching to Kleenheat from a more complicated provider. It is a way of cutting through this complication and confusion to make it easier for the audience. Taking away the hassle and replacing it with simplicity. The scenes depicted are purposely humorous and silly to ensure as much as possible that the actions used to dispense of 'Rodney' are not seen as violent but instead amusing, engaging and importantly unexpected to help ensure that the brand is remembered by the audience. Additionally, 'Rodney' always has a reprise at the end of the commercial to show that he is not harmed.*

*The complaint also refers to one the ads being aired at time which is before the bedtime of many young children. The fact that the ads are for residential gas highlights that the TVCs are neither aimed at, nor would they interest younger viewers. In any event, children would understand the ads depict scenarios that would not happen in the 'real world', so it's highly unlikely a child would be disturbed by the content.*

*2.6. Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*All of the ads in question depict scenarios that would not happen in the 'real world'. For example, the character 'Rodney' being clubbed by a giant, being squashed by a safe that comes from nowhere, and disappearing and then reappearing inside a computer would not happen in everyday life. In light of this, we do not believe that any of the scenarios include*

*material contrary to prevailing community standards on health and safety as they are not scenarios that could ultimately manifest themselves in everyday life.*

*As explained in our response to section 2.1, we have not sought to vilify or demean any of the characters depicted on screen. The two characters used have a jovial relationship. Man B is never condescending to 'Rodney' (Man A) and always supportive, albeit a little bemused by the jargon at some points. The incidences that occur to 'Rodney' are never triggered or inflicted on him by Man B, nor could they be as they are fanciful scenarios that happen from nowhere.*

*We look forward to hearing the Board's response.*

## **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 portrays acts of violence and bullying.

The Board viewed 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 the advertisement is one of a series of advertisements which present two characters, Rodney and the 'Kleenheat man'. The Board noted the advertiser's response that Rodney embodies the perception many consumers have of traditional energy companies, i.e. complicated and confusing. The other man is straight talking and seen to represent the Kleenheat brand.

The Board noted the current advertisement shows Rodney talking about the internet, when he disappears and reappears inside the computer. The Board considered that the advertisement uses special effects to portray something that is not realistic and not likely to happen.

The Board noted the advertiser's response that "the scene where 'Rodney' disappears into the computer monitor is justifiable in the context of portraying the simplicity of switching to Kleenheat from a more complicated provider. It's humorous and silly to ensure it's not seen as violent but instead amusing, engaging and importantly unexpected to help ensure that the brand is remembered by the audience".

The Board considered that it is evident that the scenario is fictitious and uses special effects and that Rodney is unhurt. The Board considered that the advertisement is humorous and does not depict actual violence, also noting that Rodney is not harmed as he is heard to say "I feel odd" from inside the computer monitor.

The Board noted that the advertisement is not representing a serious or realistic situation but rather using a comedic approach to represent the difference between Kleenheat and other providers. The Board considered that children viewing the advertisement would understand the content to be fantasy scenarios that are exaggerated, not real and in similar style to many cartoons.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board 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 that there is nothing to suggest bullying behaviour on the part of the second man toward Rodney. The Board considered that the relationship between the two men appears friendly. The Board further considered that the incidents that occur to Rodney are not a result of the other man’s actions and the second man is not seen to belittle or intimidate Rodney or make him appear foolish.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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