



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0341/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Fresh 92.7 FM</b>
<b>3</b>	<b>Product</b>	<b>Education</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/08/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Causes alarm and distress

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement opens on a young child being asked what is going on at home. The child, Alex, replies that their mum hasn't spoken to them in days and they have to get their own food because she spends all day and night in her room making 'lil trap beats'. Alex goes on to say that this all started when their mum started doing the Fresh 92.7 Production Course and then begins to cry and says, "What about your real fam mum?"

A voiceover then says, "The Fresh 92.7 Production Course, taught from SAE. Your mum could do it and produce a track, and so could you. Enrol for the August course now at [fresh927.com.au](http://fresh927.com.au)."

## THE COMPLAINT

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

*I was offended by this advertisement as it promotes child abuse and neglect as being a normal, socially acceptable and cool part of a mother having fun. It may also discourage children who are being abused and neglected from seeking help as the neglect and abuse is portrayed as normal and acceptable. There are so many better ways to promote a music production course. Child abuse and neglect has no part in music production and should not be featured in the ad. I did find this ad to be quite upsetting.*

## **THE ADVERTISER'S RESPONSE**

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

*I write in regards to the complaint regarding the promo spot broadcast for Fresh 92.7's EDM Production Course.*

*The spot was intended to be a parody, created to drive a broader section of the community to participate in the station's production course.*

*The script, which refers to a mother making 'lit trap beats' was used to illustrate the course was targeted to all members of the community, regardless of age or gender. It is uncommon for women over the age of 30 to sign up for the course, but as a result of this promotion we now have a 45 year old mother of two who related to this promotion, taken in humour, who is undertaking the August course.*

*Fresh 92.7 takes the AANA Code of Ethics seriously, and is familiar with the provisions of Section 2. I note that the complainant raises Section 2 of the Code of Ethics, particularly 2.3 – Violence, causing alarm and distress. No depiction of violence, or the condoning of violence, was intended to be contained within the copy of the spot.*

*We further do not believe that there has been a contravention of any other section of the Code of Ethics. The spot does not suggest or promote discrimination or vilification of people on the basis of their race, ethnicity, nationality, gender, age, sexual preference, religion, disability or political beliefs. Further, the spot does not objectify, exploit or degrade any person or group of persons for the enjoyment of others.*

*Despite this, we understand that offense has been taken at the spot. This was clearly not the intention of our Content team. When the complaint was raised on July 29 I consulted the Content department and the spot was immediately removed from broadcast.*

*I have since introduced a further layer to our script approval process which introduces a 'double-check' of the Code of Ethics, and sign off from a minimum of two staff members. The substance of the Code of Ethics has also been reiterated to all employees at a staff meeting.*

## **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 suggests a mother has neglected her child for 3 days and presents this in a manner which suggests it is normal behaviour.

The Board reviewed 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 this radio advertisement features a young child crying and explaining that they have not seen their mum in days because she is busy with her Fresh 92.7 Production Course.

The Board noted that the voice of the 'child' sounds like an adult's voice and considered that the overall focus of the advertisement is the enjoyment to be had attending a music production course. The Board acknowledged that child neglect is a serious matter however the Board considered that the advertisement is clearly humorous and this humour comes into effect very quickly therefore it is unlikely that most members of the community would find that the advertisement was presenting a realistic scenario where a child was being ignored or neglected by a parent. Overall the Board acknowledged that the theme of the advertisement was in bad taste but considered that that advertisement did not suggest that child neglect is normal or appropriate behaviour.

The Board noted that the advertiser had pulled the advertisement from air following the complaint and has implemented a more thorough approvals process.

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

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