



Case Report

1	Case Number	0342/13
2	Advertiser	Holden Ltd
3	Product	Vehicle
4	Type of Advertisement / media	Internet
5	Date of Determination	09/10/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

Image of a man lying on his back on the shore line with waves lapping over him. He is wearing a suit and has his eyes closed and his arms outstretched. The text next to him reads, "How did he get here?" and then changes to, "Uncover new Trax to find out" and there is a video link to an advertisement for the new Holden Trax.

THE COMPLAINT

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

It looks like a dead body why do I deserve to see what looks like a dead body every time I connect to ninemsn. It is offensive.

THE ADVERTISER'S RESPONSE

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

The concern raised in relation to the Advertisement relates to the complainant being offended by, and not wanting to see, "what looks like a dead body".

Relevant legislation and regulations

The relevant laws and standards relating to motor vehicle advertising include:

The AANA Advertiser Code of Ethics (Code of Ethics);

The FCAI Code of Practice for Motor Vehicle Advertising; and

The Explanatory Notes of the Voluntary Code of Practice for Motor Vehicle Advertising (Explanatory Notes).

The complaint has been made pursuant to Section 2 of the Code of Ethics.

Section 2.3 of the Code of Ethics regulates depictions of violence in advertising:

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

In Holden's view the Advertisement does not present or portray any form of violence.

When the Advertisement begins the man is already lying washed up on the beach, the audience does not see what has caused the man to be lying there and there is no suggestion that the man is dead or has suffered any form of violence.

Section 3.2 of the Code of Ethics states that:

Advertising or Marketing Communications for motor vehicles shall comply with the Federal Chamber of Automotive Industries Code of Practice relating to Advertising for Motor Vehicles.

The Explanatory Notes state that:

Advertisers may make legitimate use of fantasy, humour and self-evident exaggeration in creative ways in advertising for motor vehicles.

In Holden's view the Advertisement legitimately uses fantasy and self-evident exaggeration to create the mystery surrounding why the man is lying washed up on the beach, prompting the viewer to click on the link to watch the full Trax advertisement.

In our view the Advertisement is in full compliance with the Code of Ethics and at no time presents or portrays violence.

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 depicts an image of what looks like a dead body and that this is offensive.

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 features an image of a man lying on his back on a shore line with waves lapping over him and that next to the image is a video link with the words, "How did he get here? Uncover new Trax to find out".

The Board noted that the image is a still taken from the accompanying advertisement which is available to view by clicking on the link next to the image and considered that the overall presentation makes it clear that there is a story behind why the man is lying on the beach.

The Board noted the complainant's concerns that the image of the man lying on the beach makes it appear that he is dead. The Board considered that the body is seen washed up on the beach from the commencement of the advertisement and that there is no depiction that the man has suffered a violent death or any scenes of violence depicted. The Board considered that the man does not appear "dead" and that the overall impression (with the body and the text "How did he get here?") creates curiosity in the viewer as to why he is there. The Board considered that the advertisement as a whole presents a clear and humorous (in his reconstruction of how he got to hospital) depiction of an accident and makes it clear that the man is not dead or seriously injured.

Based on the above the Board considered that the advertisement did not portray violence and 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 complaints.