



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0361/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Police &amp; Nurses Credit Society</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/08/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.2 - Violence Hooliganism-vandalism-graffiti
- 2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

A female pump attendant at a service station is filling a Hummer with fuel and watching with disapproval as a fleet of Hummers drives past her on the highway, passing a sign which reads, "You are now leaving Western Australia". As she marches across to stand in the middle of the highway and thus force the Hummers to stop, a cook is watching from the cafe at the service station and a male voice over says, "More and more people are joining our stand." The cook exchanges a look with a male customer, and then as she walks passed his table he hands her the sugar container. The cook then goes outside and empties its contents in to the fuel tank of one of the Hummers.

The voice over then says, "Switch to Police and Nurses now, a better way to bank."

### THE COMPLAINT

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

*This is a depiction of a criminal activity and is totally inappropriate for an advertisement screened at a time when you could reasonably expect children and teenagers to be watching.*

### THE ADVERTISER'S RESPONSE

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

*The advertisement in question depicts a woman 'the cook' taking a container of sugar to a hummer and pouring the sugar into the fuel tank. This advertisement is an extension of our 60 second launch commercial which shows a woman 'Sue' getting fed up with money leaving Western Australia to go to one of the many Eastern States banks. Sue proceeds to the road and stands in front of the money trucks (or Hummers in this case) to stop them leaving the state.*

*The cook advertisement is one of a suite of four 30 second advertisements which show different characters within the roadhouse making their own personal stand to stop the trucks and consequently the money from leaving Western Australia.*

*As Western Australia's largest locally owned and run banking institution our intent is purely to engage Western Australians to bring their banking to Police & Nurses, keeping their money and our profits in WA.*

*All five of our current advertisements have been approved by our legal team and CAD, with all having been given a G classification.*

*Our advertisements are satirical in style, designed to be humorous and tongue-in-cheek. We are not at any time suggesting the public carry out these acts of sabotage. They are a theatrical representation to depict the issue. Of course in reality cash doesn't get physically transported across the border.*

*The cook advertisement has received a small number of complaints from our members and the public. In order to defuse this situation we subsequently removed this particular advertisement from our media schedule whilst we review the situation. We would however like your advice on whether or not this was a necessary course of action.*

*The cook advertisement was screened during family viewing time as approved by CAD's G classification. The programs the advertisement was aired during prior to it being taken off air were;*

- Heroes (7, 2:07am on 8/8/10),*
- RSPCA Animal Rescue (7, 8pm on 9/8/10),*
- Antiques Roadshow (9, 5:52pm on 8/8/10),*
- Rescue Special ops (9, 8:30-9:30pm on 9/8/10)*
- The Good Wife (10, 8:30-9:30pm on 8/8/10).*

*We hope you find this response to be satisfactory and await your board's feedback with anticipation.*

## **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 concern that the advertisement depicted a criminal activity in the depiction of the woman putting sugar in the armed vehicle's petrol tank.

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

The Board considered whether the advertisement complied with section 2.2 of the Code which requires that advertisements ‘shall not present violence unless it is justifiable in the context of the product or service advertised.’

The Board noted that the advertisement shows a woman emptying the contents of a sugar canister in to the petrol tank of a vehicle, and considered the complainant’s view that this is a criminal activity. The Board noted the advertiser’s response that their advertisements are satirical in style, designed to be humorous and tongue-in-cheek, and they are not at any time suggesting the public carry out these acts of sabotage.

The Board noted that putting sugar in to the petrol tank of a vehicle is an act of vandalism, and can also be considered a criminal act. However the Board noted that the Code of Ethics does not prohibit per se the depiction of behaviour that is illegal.

The Board considered that most people would recognize that in the context of the advertisement, it is an act used to humorously convey the frustration felt at the removal of money out of Western Australia which is the concept of the advertisement. The Board also noted that at no time does the advertisement encourage people to replicate the actions depicted in the advertisement.

On this basis the Board determined that the advertisement’s depiction of this behaviour was not unjustified and that the advertisement would be unlikely to be considered offensive to many members of the community. The Board determined that the advertisement did not breach section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of 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 the image of the woman walking in front of the vehicle. The Board noted that this is dangerous behaviour but that the vehicle is clearly seen to be stopping for the woman. The Board considered that this behaviour while not necessarily desirable to depict in advertisements, is depicted in this advertisement in a manner that is not going to lead to injury and, in the context of the advertisement, is seen as unrealistic and exaggerated behaviour. The Board considered that this behaviour is unlikely to be copied and is not depicted in a manner that is condoning the behaviour. On this basis the Board determined that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

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

