



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0367/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Nokia Mobile Phones (Australia) Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Mobile Phone or SMS</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>13/11/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.3 - Violence Violence

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a scene of a children's school play. The performance starts and parents and family from the audience seek to take photos of their child on-stage. From the beginning it is clear that the parents are too far away or unable to take good quality photo's with the phones and tablet cameras they are using. In the following scenes, parents clamber to get as close as possible and get the best photo angle from the audience. Climbing over one-another, hanging from the rafters, even going on-stage there are parents and grandparents doing outrageous things to get the best photo. The scene escalates into mayhem causing the crowd to rush the stage, climb over one another knock the pianist and the piano to the floor and knock one-another out of the way. The closing shot is of a couple that remain seated at the back of the hall, watching the pandemonium unfold in front of them. They are able to take a photo of their child on-stage, from the back of the room due to the revolutionary zoom and 41 Megapixel camera on the Nokia Lumia 1020. The closing title screens 'Don't Fight, Switch' encouraging people not to get embroiled in these situations but to take control with a better quality camera phone.

### THE COMPLAINT

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

*Part of the ad depicts one parent king hitting another parent. I object to this violence being depicted as "funny" considering there is current discussion in the media that perpetrators of*

*this type of violence who cause serious harm to others should receive a 10 year jail sentence. This ad attempts to portray serious violence as normal or funny.*

*A female parent head butts a male parent. I think this sets an extremely poor example to children. Showing them that it's ok to resort to violence to get what you want. The violence was not necessary.*

*This Ad selling the Nokia Lumina 1020 showing parents at a concert is a very bad example to portray an event involving children and making the presence of violence common place. As violence in our society is escalating I think the ad is in poor taste. The time the ad aired is not a problem as I feel there is NO appropriate time for this ad. I trust that other viewers will express a similar view and the ad will be withdrawn immediately.*

*The violence shown in the ad is totally inappropriate especially in the context of school and children where there is an ongoing violence problem in many schools. The ad is not appropriate with the violence displayed.*

## **THE ADVERTISER'S RESPONSE**

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

*The Complaint is concerned that the TVC raises an issue under standard 2.3 - Violence for the following reason:*

*"The violence shown in the ad is totally inappropriate especially in the context of school and children where there is an ongoing violence problem in many schools. The ad is not appropriate with the violence displayed."*

*To Nokia's knowledge, the Complaint is the only complaint that the ASB has received in relation to this TVC.*

*Nokia regrets that the TVC may have caused offence, however respectfully disagrees that the TVC raises any issue under standard 2.3 (or any other standard) of the AANA Code of Ethics for the reasons set out below, and therefore requests that the Board dismiss the Complaint.*

*Nokia first notes that the TVC went to air nationally on 26th September, having aired in the United States since 22nd August.*

*Standard 2.3*

*Standard 2.3 in the AANA Code of Ethics states:*

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

*Nokia disagrees that the TVC presents or portrays violence in a way that would breach standard 2.3 and submits that:*

1. *the TVC clearly intends to be a humorous and exaggerated depiction of parents at their children's recital trying to take the best photo of their children on-stage and imagines in a fantastical way how such a scene could turn into chaos if people do not have the right camera;*
2. *the TVC seeks to demonstrate a hyperbolic and intentionally comical depiction of competitive parents;*
3. *in depicting scenes in which parents do more and more outrageous things to get a good photo (including climbing over one another, pushing each other out of the way, hanging from the rafters and rushing the stage), the TVC pokes fun at the deficiencies of the cameras contained in phones of Nokia's competitors;*

1. *the behaviour of the parents is not intended to harm, only to capture the best photo of their children;*
2. *the closing title screens state the campaign's tagline 'Don't Fight, Switch', which encourages people not to get embroiled in these situations but to take control with a better quality camera phone; and*
3. *consistent with the fact that the ASB only received one complaint in relation to the TVC, most members of the community would find the advertisement humorous and would recognise that it was not encouraging or condoning violence, but rather emphasising the superior camera contained in the Nokia Lumia compared to competitor products.*

*Accordingly, Nokia submits that the depiction of 'violence' in the TVC (if any) is justified and therefore no issues are raised under standard 2.3.*

#### *Classification*

*The TVC was approved by CAD and classified 'Parental Guidance' or PG. Under the Commercial Television Industry Code of Practice, television commercials rated PG are only permitted to be broadcast at certain times to ensure that only material which is suitable for a particular classification zone is broadcast in that zone. The Television Code provides, in relation to PG-rated television commercial, that "visual depiction of violence must be inexplicit, restrained and justified by the story line or program context. More leeway is permitted when the depiction is stylised rather than realistic, but all violence shown must be mild in impact, taking into account also the language, sounds and special effects used."*

*At the time the TVC was classified, CAD instructed Nokia that the TVC could only be broadcast during the following hours except during P or C programs or adjacent to P or C periods: weekdays from 8.30am to 4pm and 7pm to 6am; and weekends from 10am to 6am, and that care must be exercised when placing commercials in cartoon and other programs that may appeal to children.*

*Nokia duly complied with the Television Code and CAD's instructions and only placed the TVC at permitted and appropriate times for PG rate content.*

*Therefore, in response to the Complaint, Nokia submits that the TVC was never intended to*

*be directed at children and further that it is unlikely that children will view or have viewed the TVC.*

*For the above reasons, Nokia respectfully submits that the Board should dismiss the Complaint.*

## **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 complainants’ concerns that the advertisement depicts violence between adults in front of children which is not appropriate.

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 a children’s play being performed in front of parents who are all trying to get the best position to take photographs of their children and that some of these parents are violent to one another. The Board noted that in one scene a woman head butts a man.

The Board noted that the advertisement includes scenes that are clearly exaggerated and that parents openly fight with one another to get the best picture of their child amounts to an overall depiction which is farcical rather than violent. The Board noted the scenes are acted out in conjunction with music that is very slapstick in nature and considered that this added to the farcical portrayal of the actions being depicted.

The Board agreed that the scene of the woman head butting a man is violent but it is clearly exaggerated and unrealistic and was intended to be humorous and whimsical.

The Board noted that the reaction of the children to their parents fighting is of bemusement rather than fear and considered that the behaviour of the adults is presented in a manner which clearly marks it as undesirable and that this is further enforced with the final screen shot which has the text, “Don’t fight. Switch.”

The Board noted that it had previously upheld advertisements which featured violence (0186/13, 0215/13) however the Board considered that in this instance the violence shown has a humorous and exaggerated slapstick feel to it and that violence is presented as undesirable and no-one is shown to be injured or upset.

Based on the above 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 complaints.