



## Case Report

|          |                                      |                           |
|----------|--------------------------------------|---------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0370/10</b>            |
| <b>2</b> | <b>Advertiser</b>                    | <b>Fisherman's Friend</b> |
| <b>3</b> | <b>Product</b>                       | <b>Health Products</b>    |
| <b>4</b> | <b>Type of Advertisement / media</b> | <b>TV</b>                 |
| <b>5</b> | <b>Date of Determination</b>         | <b>08/09/2010</b>         |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>          |

### ISSUES RAISED

2.2 - Violence Other

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### DESCRIPTION OF THE ADVERTISEMENT

Two men are stood in front of a truck parked next to a busy road. One man opens a packet of Fisherman's Friends and the other man asks if he can have one. He takes a lozenge, puts it in his mouth then both men turn to watch a woman approaching them. She is wearing skintight red pvc with a matching rain hat, and is carrying a large fish. She uses the fish to slap the man eating the Fisherman's Friend across the face. She then turns and walks away as the man smiles and says, "Oh yeah!"

A male voice over says, "New resealable Fisherman's Friends. Keep the slap in the pack" and we see a screen shot of 4 different packets of Fishermen's Friends with the pvc-clad women next to them, holding the fish.

### THE COMPLAINT

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

*I am offended by the pointless violence and anti-male undertones of this advertisement. This ad is part of a growing trend in the media that says violence against men is fine and even humourous while we have other advertisements telling us violence against women is deplorable. The appalling double standard has to end. Swap the genders in the ad and see if you find that offensive.*

*Violence. Who goes around slapping someone with a dead fish just to make a point. Isn't that an assault*

## **THE ADVERTISER'S RESPONSE**

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

*It is the position of Stuart Alexander & Co Pty Ltd (the distributor for the brand Fisherman's Friend in Australia and on behalf of Lofthouse, the brand owner) that we are sorry the Fisherwoman TV advertisement has caused offense.*

*These are the first consumer complaints that have been brought to the attention of Stuart Alexander & Co. Pty Ltd by the Advertising Standards Board in 4 years since the commercial has been on air from 2007. Over the past two years (quoted by media agency, Razor), a total of 14.6 million people have been exposed to the 'Fisherwoman TVC' (based on 700 TARPS per city) with no complaints which would suggest that the vast majority of the general public do not find this TVC offensive in any way.*

*The main elements of the TVC are:*

- 1. The idea was designed as hyperbole as evidenced through the surreal nature of the woman walking alongside a road in a red , skintight outfit and sou'wester hat (to represent the Fisherman's Friend brand), then slapping a man with a "fake fish ," who has just put a lozenge into his mouth to dramatise the strong 'menthol' impact of the product.*
- 2. The slap is not intended to create harm as evidenced by both the facial reaction of the actor (being that of a smile) and the fact that he says "oh yeah" after being slapped.*
- 3. The slap is a metaphor for the invigoration that the unique Fisherman's Friend lozenge delivers.*
- 4. The slap of a male has never been an endorsement of violence or violence towards men. Rather it was seen as a metaphor for bringing 'invigoration' to people (in this case, men) who are in need of refreshment (in this case, truck drivers).*
- 5. The advertisement had gained advertising approval from Commercials Advice Pty Ltd ("CAD") with a "PG" rating on 6 May, 2010 (CAD No. PS5J3FSA). See details below*

## **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 depicted assault and condones violence against men as acceptable.

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 features a woman wearing a skintight red outfit slapping a man in the face with a large fish just after he has eaten a Fisherman’s Friend lozenge. The Board noted the advertiser’s response that this action was intended to dramatise the strong menthol impact of the lozenge.

The Board considered that the advertisement depicted an unreal situation, far removed from reality. The Board also noted that the man looks happy after being hit with the fish, and that he says, “Oh yeah!” straight afterwards. The Board considered the man’s reaction to be a positive one, and in no way did he appear to be the victim of an assault.

The Board considered that 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 effect of eating a Fisherman’s Friend lozenge.

On this basis the Board determined that the advertisement did not depict or condone violence and was not in breach of section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that the advertisement depicted a woman in a tight red outfit. The Board considered that this was an exaggerated image and was not overtly sexualized.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

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