



Case Report

1	Case Number	0371/10
2	Advertiser	City Smiles Melbourne
3	Product	Professional services
4	Type of Advertisement / media	Print
5	Date of Determination	08/09/2010
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.2 - Violence Other

DESCRIPTION OF THE ADVERTISEMENT

Image of a man with his mouth apparently sewn up: he appears to have 4 crosses stitched over his closed mouth. To the left of him in large type is written: "Taking drastic measures to hide your teeth?" and then underneath is more text describing the services offered by citysmiles.com.au.

THE COMPLAINT

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

It depicted a person whose lips had been sewn together. The only other time I have ever heard of a person sewing their lips together has been in the case of 'boat people' who had been detained by the Department of Immigration for undue amounts of time. Their response in desperation was to protest their mistreatment by sewing their lips together. I object to the callus use of such an image under Section 2.2 of the code of ethics: 'Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.' In this week before a federal election there is much talk about 'boat people' or asylum seekers and the connection between their plight and this advertisement is heightened. I feel the advertiser's point could have been made in any number of ways that a person could hide their smile which would have been far less offensive than this gratuitous use of violence and this shocking lack of compassion.

THE ADVERTISER'S RESPONSE

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

In response to your e-mail attached is our current ad we use in The Age advertising campaign. In order to comment on this complaint we would like to advise that we believe that our ad has not breached any regulations in regards to offensiveness or inappropriate content. Our practice had no intention to make any political statements or offend anyone by placing the current advertisement in The Age, and it was a personal interpretation of the image during the highly sensitive time of elections. Also, our advertising material was reviewed by The Age Director of Advertising and we were assured that it complies with all required standards.

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 features gratuitous use of violence.

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 man with his mouth apparently stitched closed, with a piece of thread hanging down from the corner of his mouth. The Board noted that the advertiser is a dental clinic and the advertisement asks, "Taking drastic measures to hide your teeth?"

The Board noted the advertiser's response that they had not meant to offend anyone and that they believed the advertisement complied with all required standards. The Board noted that the advertisement was placed in The Age newspaper.

The Board considered that the image was realistic and was a depiction of a man's mouth sewn shut. The Board considered that this was a depiction of an act of violence against a man or of self harm, again an act of violence.

The Board considered that whilst the depiction of violence in the image did bear some relevance to the message contained in the advertisement (both concerning mouths), this message could have been conveyed using other methods. The Board considered the depiction of violence to be inappropriate and in breach of section 2.2 of the Code.

The Board noted the complainant's concern that the image evoked images of self mutilation by refugees. The Board considered that while this was likely to be the case amongst some members of the viewing audience, the context of the image was not demeaning to refugees.

Finding that the advertisement breached the Code under section 2.2 the Board upheld the complaints.

ADVERTISER RESPONSE TO DETERMINATION

We acknowledged the receipt of your letter regarding our advertisement. We have taken note of your concerns and decided to withdraw the advertisement forthwith.
Thank you for bringing issues of concern to our attention.