



**ADVERTISING  
STANDARDS  
BUREAU**

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# Case Report

<b>1</b>	<b>Case Number</b>	<b>0389/13</b>
<b>2</b>	<b>Advertiser</b>	<b>John Simpson Real Estate Agent</b>
<b>3</b>	<b>Product</b>	<b>Real Estate</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/11/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.3 - Violence Weapons

## DESCRIPTION OF THE ADVERTISEMENT

Image of John Simpson, real estate agent, holding a pistol. The text reads, "Thinking of selling your home? Call John Simpson, the straightest shooter in the game. Phone 8948 9300".

## THE COMPLAINT

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

*Its totally inappropriate for an advert to feature illegal weapons as part of their strategy. He has his finger on the gun's trigger with an inane grin on his face and it really looks like a red neck snap shot from the deep south.*

*He is only a small local business operator who probably thinks its funny but it sends a very negative message.*

## THE ADVERTISER'S RESPONSE

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

*I acknowledge receipt of your email regarding a complaint reference number 0389/13 and I point out that the ad in question was paid for by me personally and these comments herein are also from me personally and are in no way to be considered associated with the Professionals.*

*I am not a computer guru. I am a commission only sales person and have much more to do than spend valuably time addressing what I consider to be unfounded and unjustified complaint from a very bitter and twisted person looking to offend, insult and defame an innocent person for no valid reason. Come on, 1 complaint after a circulation in excess of 30000 each week for 9 weeks – what has society come to and how dare this person make such uninformed and insulting comments?*

*As I am not a computer guru I am not able to respond on your prescribed form or via the internet. I am responding via the same source as I received the complaint and that is via this email.*

*I note in your email that parts of my submission will be included in the case report and will be made public. In the light of this I assume if any of my details such as name, photo, phone number etc are made public so too must full details of “mr or mrs confidentiality” be also made public and I look forward to that so I can pursue legal action.*

*Attached is a copy of the advertisement I have been paying to have in the local free newspaper which I point out has a circulation in excess of 31800 and this ad has run for 9 weeks before the complaint was made.*

*I would like to say SORRY, sorry that some people have so little to do that they choose to make insulting snide comments with little or no knowledge of the circumstances or the person and certainly with no regard what so ever for the person. I have to say I find the comments totally incorrect, unfounded, very insulting and offensive to the extent that I believe I should be entitled to an apology and I should pursue legal action for defamation.*

*Now let's look at the complaint.*

*Firstly they talk about a fake gun and then go on to refer to illegal weapons – wrong on both accounts.*

*They talk about being totally inappropriate and I ask you what gives them the right to judge and make insulting comments about inane grin and red neck from the deep south.*

*They then talk about “small local business operator” – again totally incorrect.*

*With so many incorrect allegations and insulting comments it is clear to me who has the problem here and again I point out 1 in over 30000 per week by 9 times- utterly ridiculous. How can this complaint be taken seriously?*

*Now let's consider the circumstances leading up to the ad.*

*I have been a competitive target pistol shooter since 1976 and that photo was taken as part of a NT NEWS [sister newspaper to the Sun] feature after I had competed at my first NT titles and won several matches which then qualified me to represent the NT at the Australian Pistol*

*Shooting Championships.*

*In fact I went on to use that very pistol [yes it is real and no it is not an “illegal weapon”] to achieve 6th place in the Australian Championships. Given that pistol shooting is the hardest discipline of all the shooting sports as it requires the shooter to be free standing without any outside support and with only one hand on the pistol I think I have every right to be proud of this achievement and to smile about it.*

*Perhaps “mr or mrs confidentiality requested” would like to put aside what appears to be their bigoted and one eyed view of firearms and take up the challenge and test their skills at a sport that is part of both the Commonwealth and Olympic games and see if they could hit a match box at the other end of an Olympic pool which is in effect the skill level required to shoot a ten.*

*I would like to point out that to be able to acquire and maintain the appropriate licence to pursue this sport we are subjected to an annual police check plus attendance records and to be able to hold a real estate licence we also are subject to a police check and I wonder if mr or mrs confidentiality could pass such checks annually.*

*As a well-known respected law abiding member of the community I find the words of this complaint totally offensive and insulting plus the incorrect comment regarding illegal firearms and I ask you “who is the red neck here”? It is very important to remember this is one person from a circulation of in excess of 30000 per week for 9 weeks.*

*If this was not for the fact that you have chosen to consider this complaint I would have to consider it a joke [after all 1 in over 31800 by 9 weeks has to be considered a joke].*

*I feel it should be dismissed and an apology given to me for the totally incorrect offensive and defaming comments that cannot be considered a joke as it is in writing. I will be considering legal action against “mr or mrs confidentiality” for the totally incorrect allegations of illegal weapons and the insulting and defamatory comments about me.*

*I have been told that quite often this sort of person goes through life without achieving much but at least this one can now claim an achievement in that he or she has achieved something and that something is succeeding in insulting and defaming an innocent person for no good reason which is probably a major achievement in the life of mr or mrs confidentiality.*

*At this point in time I do not consider I have broken any rules and unless you instruct me to cease the ad I will keep using it until I am ready to change which is scheduled for a week or two from now.*

*I look forward to the apology from mr & mrs confidentiality so I do not have to take legal action as I have already lost too much time on this matter.*

*My contacts are clearly displayed in the attached advertisement and I look forward to receiving the apology from mr or mrs confidentiality.*

**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 features an illegal weapon and is inappropriate.

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 picture of the advertiser holding a gun.

The Board noted it had previously considered an advertisement featuring an image of a man holding a gun in case reference 0117/13 where it “noted that while some members of the community would probably prefer that gun ownership was not legal at all, the legality of whether or not such items should be able to be advertised is not a matter for the Board to consider.”

The Board noted that in the case of 0117/13 the advertisement was for a gun club and the image of the man holding a gun was relevant to the product advertised. In this instance the Board noted that the advertised product is a real estate agent and considered that there is no relevance between a weapon and the advertised product. The Board noted that the tagline of the advertisement reads, “Call John Simpson, the straightest shooter in the game” and that John Simpson is holding up a photograph of himself posing with a trophy he has won for shooting.

A minority of the Board considered that whilst there is a clear link between this text and the image of John Simpson holding a gun, the depiction of a gun is not appropriate in the context of the product advertised.

The majority of the Board however noted that the Code is very clear that advertisements shall not present violence unless it is justifiable in the context of the product advertised and considered that the depiction of a weapon which is not pointed at someone and is not being used to suggest or threaten violence is not a depiction of violence. The Board noted the use of the phrase, “straightest shooter in the game” which is defined in the free online dictionary as “someone who you can trust because they are very honest” and considered that its use in the advertisement is in relation to being a trustworthy estate agent, and that the gun is a reference to the idiom.

Based on the above the Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered 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 that the advertisement appears to show the advertiser in an office and considered that it is not normal practice to have a weapon in an office environment. A

minority of the Board considered that the depiction of a gun in an office is a depiction which is contrary to prevailing community standards.

The majority of the Board however considered that the gun is being used as a prop and considered that the advertisement is suggestion of an old style country and western image and not of a man about to commit violence. The Board again noted the link between the sharpest shooter reference and the gun's reference to that idiom.

The Board considered that whilst the use of a weapon to advertise a product is not ideal, in this instance the advertisement does not depict any material which is contrary to prevailing community standards on health and safety.

Further finding that the advertisement did not breach the Code on any grounds the Board dismissed the complaint.