



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0439/18
2	Advertiser	Universal Music Aust Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Billboard
5	Date of Determination	10/10/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement was the album artwork for Eminem's most recent album, Kamikaze. It depicts a Kamikaze pilot flying a plane with the front nose of the plane appearing to hit a wall. It includes the words "EMINIEM KAMIKAZE OUT NOW."

THE COMPLAINT

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

It's a high flow area with many school students walking past. It pictures a pilot who is commuting suicide and showing his rude finger. I fear that it's giving a negative influence and example to others.

THE ADVERTISER'S RESPONSE

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



We do not believe that the advertisement breaches the Code. Specifically, it does not breach sections 2.3 or 2.6. It does not show unjustified violence. It does not depict material that is contrary to prevailing community standards on health and safety.

It depicts a kamikaze pilot to reflect the name of the album. It is a direct copy of the album artwork and it is clearly distinguishable as an advertisement (shown by the words "Out Now")

The advertisement was made available as part of an outdoor poster marketing campaign. It was booked as a 2 week campaign commencing 31 August 2018. The active campaign has now ceased (subject to any remaining posters still being available.)

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement presents a negative influence and example to others by depicting suicide and is located in an area with a substantial amount of students walking by.

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

The Panel noted that this billboard advertisement was for a new album entitled 'Kamikaze' and featured the album artwork of a plane crashing into the edge of the album cover. The pilot in the advertisement is shown to be 'giving the finger'.

The Panel considered whether the advertisements were 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 Panel considered that while some members of the community may find the image to be distasteful, the reproduction of the album artwork did not evoke an image of violence and did not depict a violent act.

The Panel considered that the advertisement did not depict violence and did not breach Section 2.3 of the Code.

The Panel 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 Panel noted the complainant's concern that the advertisement presents a negative influence and example to others by depicting suicide and is located in an area with a substantial amount of students walking by.

The Panel considered that the artist Eminem is known for controversial and adult themed music, and the album name and artwork in this advertisement is consistent with his style. The Panel noted that the demographic targeted by Eminem is spread over a broad range of ages due to his established career and the fact that he is best known for his adult themed rap style.

The Panel considered that the advertisement does not contain any indication of the advertiser encouraging or condoning suicide and is a direct reflection of the name of the album. The Panel noted that some members of the community may find the album name to be inappropriate, but considered that product names are not covered by the terms of the Code.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding health and safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

