



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0463/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Key Factors</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Print</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/11/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.2 - Violence Other

### DESCRIPTION OF THE ADVERTISEMENT

The item is a card size piece with company details on the front and a picture of what appears to be an old fashion bank robber with a stocking over his head , holding a Piggy Bank and a gun. This was a printed mail item delivered by Australia Post to registered business mail addresses and PO boxes only.

### THE COMPLAINT

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

*It is a violent image, the hand gun is huge. I consider this a totally unacceptable form of advert even though I understand the point they are trying to make. It is a threatening image, and not one I think suitable to come through the letter box.*

### THE ADVERTISER'S RESPONSE

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

*We are unsure how the complainant can compare this mailer to the gratuitous violence, blood, gore and deprivation that are broadcast and printed everyday in our media networks. We produced the item with good humour in mind, and aimed at mature aged business people and never once considered the piece to be offensive.*

*Turn on the nightly news and view the horrendous aftermath of another suicide bomber, another bashing or murder. This mailer that is the target of the complaint pales into insignificance by comparison.*

*The mailer was designed to induce the targeted audience of SME Business Owners to turn over the card and read the printed literature and advertising which offers assistance with cash flow finance.*

*The mailer was distributed by Australia Post through its “Unaddressed Mail delivery Product” to Business mail points only.*

*No residential addresses, residential mail boxes or residential delivery points were included. The complainants comments are noted, but again I must say that he or she need only switch on the TV , buy any newspaper or log online , to be awash in real life, tragic, graphic and almost unimaginable scenes of violence and horror.*

*This insignificant advertising item depicting an image of an old fashion bank robber with a gun and Piggy Bank is considered harmless on all counts.*

*We do not see that it is contrary to any of the published requirements of Section 2 of the AANA Advertiser Code of Ethics. Please let us know the outcome of your deliberations so that we can use your suggestions for our future campaigns.*

## **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 portrayed violence, is a threatening image and not suitable for mail box delivery.

The Board noted the advertiser’s response and considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code 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 viewed the advertisement and noted the advertiser’s response. The Board noted the advertisement depicts an image of a firearm being pointed at an object by a man dressed to appear as a ‘bank robber’ with a stockinged face and that the caption of the advertisement refers to ‘unlocking the cash’ in a person’s business. The Board noted that section 2.2 of the Code requires that violence not be presented unless it is justifiable in the context of the product or service advertised.

The Board noted the advertiser’s statement that the advertisement is targeted to and distributed to business owners and is not a suggestion of real violence. A minority of the Board considered that the depiction was a light hearted reference to an inappropriate way of cash management – to which the advertised product is an alternative. The majority of the

Board considered however that the image, in particular the image of the man with a covered face pointing a firearm, is a depiction of violence. The Board noted a recent similar case 152/10 which depicted a gun and a piggy bank in which the Board dismissed the complaint. The Board considered that the current advertisement has a threatening tone that is not light-hearted and that the suggestion of violence is not relevant to a cash management product

Finding that the advertisement depicted violence that is not justifiable in the context of the product advertised the Board upheld the complaint.

#### **ADVERTISER RESPONSE TO DETERMINATION**

As stated in our original submission, this advertising brochure was a “ one off ” mail out. No further brochures of this design will be posted.