



Case Report

1	Case Number	0464/16
2	Advertiser	Now Finance
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Race
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man strapped to a table in an extra-terrestrial environment. Three aliens appear. At first the man appears worried at his predicament, but when he asks the aliens 'what do you want?' one alien's response is, "to refurbish my holiday house on Lake Eildon" and the man looks confused. A different alien then continues to say, "...and to probe you" and holds up a metal instrument. We then see alien hands using a tablet while a male voiceover talks about the personal loans available from Now Finance.

THE COMPLAINT

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

1. Subject matter completely irrelevant to product being advertised. 2. Racial discrimination, why choose a black man as the victim, haven't they been persecuted enough. 3. The suggestion and portrayal of violence and fear is offensive. 4. Prejudicial to life that does not originate on this planet. 5. Even though the ETs are not overly realistic, the concept is disturbing especially for those that have experienced abduction. It's like using simulated rape to sell toothpaste.

This advert is being aired in the afternoon when children are likely to see it. It depicts a man who is obviously frightened and is in a scary situation. One of the aliens says he's going to 'probe' him. According to AANA code of ethics point 2.3 adverts shouldn't depict violence

unless justifiable. I'd call the advert unnecessarily violent and I think it contains inappropriate imagery for small children.

THE ADVERTISER'S RESPONSE

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

The two issues raised by the advertising standards bureau to date refers to two specific sections of the AANA code of ethics in Section 2:

2.1 – Discrimination or Vilification Race

2.3 - Violence

In response to the two complaints offered, NOW FINANCE believes there is no racial discrimination in the commercial. The fact that the actor is black is irrelevant to the story or advert being portrayed. The actor was selected after a full casting process (which we can provide details upon request), as the best talent to bring the creative concept to life. As part of the casting process, there was no preference based on the actor's race.

In addition, the use of aliens and ET is purely presented for comedic effect and do not portray the everyday life of typical Australia. We believe that there is no emphasis on violence, portrayal of rape, or a realistic scenario that is predominant in Australia today.

In reference to complaint regarding violence, we believe that the advert contains no threatening or direct violence that can be portrayed as inappropriate for the target audience. The fact that there is no physical contact between the actors, objects is testament to this.

We believe the commercial operates within current cultural trends, and was designed to resonate with our target audience, with the use of a comedic and surreal scenario, whilst having the core brand message embedded into the idea.

For the reasons outlined above, we don't believe that the film contravenes the AANA codes of ethics.

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 is racist in its depiction of a black man being captured by aliens, and is unnecessarily violent in its suggestion that the man is about to be 'probed'.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this television advertisement features a man strapped to a table surrounded by aliens, one of whom says he wants to 'probe' him.

The Board noted the complainant's concern that choosing a black man as the victim is racial discrimination.

The Board noted the advertiser's response that the actor in the advertisement was chosen based on a full casting process and his race was not a factor.

The Board noted that the portrayal of the man in the advertisement is of a confused man who has been captured by aliens and considered that there is no reference made to the man's racial background and in the Board's view the complainant's interpretation of the situation is unlikely to be shared by the broad community.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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 the complainants' concerns over the depiction and suggestion of violence.

The Board noted the man in the advertisement is strapped to a table and considered that while this is what many people would interpret as a typical alien abduction scenario the Board noted that this scenario is not realistic and the tone of the advertisement is comical rather than violent and the man does not appear to be in pain. The Board noted the complainant's concern that the depiction of an alien abduction could be upsetting to those who had experienced abduction but considered that the scenario in the advertisement is so unrealistic as to be unlikely to trigger bad memories in anyone who had been abducted by a real person.

The Board noted the alien's reference to wanting to probe the man and considered that the aliens are so unrealistic that this comment is humorous rather than menacing. The Board noted that the alien does not elaborate on the nature of the probing and we do not see or hear any evidence of the man being probed and considered that overall the advertisement presents an unrealistic scenario in a light-hearted tone which is not suggestive of violence.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on any other grounds, the Board

dismissed the complaints.