



Case Report

1	Case Number	0476/11
2	Advertiser	Austar Entertainment Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	TV
5	Date of Determination	07/12/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.2 - Violence Other

DESCRIPTION OF THE ADVERTISEMENT

Various people are sat around a table discussing how they can make AFL coverage better on Austar when one of the men suggests making every game live. The others all smack their foreheads and we see various members of the public doing the same when they hear the news about the live coverage.

THE COMPLAINT

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

After having seen the advert my daughter who is nearly 2 now walks around the house hitting herself in the head like they do in the ad.

The actors in the advertisement ask for ideas for improving their penetration for football televising and one clown suggests showing all football matches live then the chairman slaps his forehead and makes an exclamation then all panel members slap their foreheads and exclaim what a good idea. This is repeated by a number of persons sitting at a bar slapping their own foreheads.

I object to this forehead slapping as it not a good look for young impressionable persons to see and imitate and for this reason I believe the advertisement should be removed from TV. Any hitting of any person by any person is not a good example and just because it is the person slapping his or her own forehead is not acceptable and should not be shown.

THE ADVERTISER'S RESPONSE

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

We note that the nature of the complaints in question relate generally to concerns of violence. We have considered the complaints and the advertisement in question in light of all of the provisions of the AANA Code of Ethics ("AANA Code").

The most relevant section is Provision 2.2 which states:

"Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

We find that the advertisement in question does not present or portray violence for the reasons set out below.

We note that the advertisement in question features a humorous send up of a marketing "brainstorming" session (referred to as the "Fox Footy Think Tank 2012"), in which the various participants (including recognisable AFL players and personalities) struggle to think of ways to improve AUSTAR's AFL coverage. One person suggests they show every match of every round, live. In response, the leader of the meeting lightly smacks his head, indicating that it is a good idea that is so obvious in hindsight. The other meeting participants do the same each time another related suggestion is made (such as showing the matches in high definition). As the idea is announced on TV and radio, various viewers and listeners are also shown to mimic the same behaviour.

At each point during the action a "smack" sound effect is heard. However, we note that at no point does any person who undertakes the action react in a way that indicates they have injured themselves or caused themselves harm or discomfort. Conversely, all people featured in the advertisement appear completely unaffected by the smack action, which we note they do to themselves only, and not others. All actions are light smacks only and there is nothing harsh, strong or aggressive about any of them.

Further, we note that most reasonable viewers would recognise that the action depicted is widely accepted as an expression of exasperation for many reasons, including, as depicted in this case, an idea that is obvious in hindsight, and would not find its depiction to be offensive. The advertisement is cheeky, light-hearted and irreverent in tone, and is intended to be taken by viewers in the same manner in which it was created.

As a final point, we note that CAD issued a 'W' rating for the advertisement, deeming it suitable for broadcast in all programming G rated and above.

Accordingly in our view the advertisement does not encourage or condone violence in any way, nor does the advertisement depict violence in any way. Therefore we find that the advertisement does not breach Provision 2.2 of the AANA Code.

We have considered the other provisions of the AANA Code and do not consider that the advertisement breaches the Code on any other grounds.

THE DETERMINATION

The Advertising Standards Board (Board) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement features people slapping themselves on the forehead and thus sets a bad example to viewers.

The Board noted Section 2.2 of the Code which requires that 'advertising or marketing communications not use violence unless it is appropriate in the context of the advertised product or service.'

The Board noted the advertisement is to highlight Austar's improved coverage of AFL games and that it features scenes where people smack their foreheads when they have or hear a good idea.

The Board noted that when the different actors in the advertisement hit their own foreheads they do so in a manner which is suggestive of them being exasperated that they didn't think of the idea sooner. The Board noted that no actor in the advertisement is shown to be in pain as a result of hitting themselves and that at no time in the advertisement does anyone hit another person or encourage the hitting of another person.

The Board determined that the advertisement did not breach Section 2.2 of the Code as it does not depict or condone violence.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.