



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0493/18
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Radio
5	Date of Determination	14/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Mental Illness
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Domestic Violence
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

The radio advertisement features the show's character, Vanessa, expressing her concerns about her husband's behaviour since returning from Afghanistan. The Advertisement is interspersed with soundbites from "Fighting Season" and ends with the tagline for the series "Some Wars Never End".

THE COMPLAINT

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

The adv. is portraying that the womens husband is suffering from PTSD and is currently become violent towards her and her child.



This is misleading and clearly insensitive to market such real problems especially during Invictus games. alleging that a person watching a tv series could any way go through what would happen during war is disgusting.

Disturbing content , a frightened woman's voice , a scared child and an aggressive man threatening both the woman and the child . In a time of so many fatal domestic violence cases the ad made me feel anxious, stressed and frightened (which are not common emotions for me). Thanks for your time

The advertisement is designed to mimic a domestic violence victim calling a hotline. It intentionally plays on themes of violence and fear used in legitimate advertising for serious issues and mental health support. While the 'twist' is that she's referring to events that occurred on television, the ad is framed in a way that trivialises PTSD and domestic violence victims. Based on my experience in veterans' mental health, the content is likely to be upsetting to many veterans and their partners

The ad had a guy that had come back from Afghanistan and was not all there in the head, and being violent to his wife.

I thought it was an ad for domestic violence victims or war veterans to get support. Then at the end it says "the war's never over... Fox Sports" or something like that, and it's an ad for Fox Sports.

Do you think domestic violence is funny or light hearted?!

This is not a funny subject and this ad should be taken off air immediately.

THE ADVERTISER'S RESPONSE

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

Description of the Advertisement

From the information provided by Ad Standards, we understand that the Complaints relate to a 30 second radio advertisement for the new Australian six-part mystery drama series, "Fighting Season", broadcast on Foxtel's Fox Showcase channel (the Advertisement). "Fighting Season" looks at the impact of Australia's longest running war in Afghanistan, and the toll it takes on those who serve and the families left behind. Set purposely in 2010, when there was less awareness and less discussion in the military and in the broader community, "Fighting Season" aims to shine a light on the challenges soldiers face when adjusting to life back home. The series tells the story of a platoon of Australian soldiers who have unexpectedly returned from Afghanistan following the traumatic death of their Captain. All bear the emotional and physical scars but it is Sergeant Sean "Speedo" Collins at the centre of the story, a young soldier



finding it hard to adjust back into family life while coping with the unacknowledged symptoms of post-traumatic stress disorder. His wife, Vanessa, struggles to cope with the angry man that has come home to them and the damaging impact this is having on their lives.

The Advertisement was developed to drive awareness of the drama series “Fighting Season” on Foxtel and was created to carry the message of ‘home’ and highlight an often untold devastation of war. Following the theme and storyline of the show, the Advertisement features the show’s character, Vanessa, expressing her concerns about her husband’s behaviour since returning from Afghanistan. The dialogue used is an essential and accurate portrayal of her character and her relationship within the show. The Advertisement is interspersed with soundbites from “Fighting Season” and ends with the tagline for the series “Some Wars Never End”.

The Advertisement aired between 17 October 2018 and 28 October 2018.

The Complaints

The Complaints include the allegations that the Advertisement contains “disturbing content”, “intentionally plays on themes of violence and fear used in legitimate advertising for serious issues and mental health support” and “trivialises PTSD and domestic violence victims”.

Applicable provisions of the AANA Code of Ethics

The Complaints relate to Section 2 of the Australian Association of National Advertisers Code of Ethics (the Code).

Section 2.1

Ad Standards has raised Section 2.1 of the Code (Section 2.1) as an applicable provision in the context of the Complaints. Section 2.1 requires that:

“Advertising or Marketing Communication shall not portray people 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.”

It is Foxtel’s view that the Advertisement in no way discriminates against or vilifies those suffering with mental illness, namely post-traumatic stress disorder. In creating the Advertisement, Foxtel’s intention was to provide a snapshot of one of the key storylines portrayed in “Fighting Season”, i.e. the relationship between Speedo and Vanessa and the impact the war has had on them. Foxtel notes that the AANA’s Practice Note on the Codes provides the following definitions: “Discrimination: unfair



or less favourable treatment” and “Vilification: humiliates, intimidates, incites hatred, contempt or ridicule”. Referring to these definitions, Foxtel does not consider that that the language used within the Advertisement falls within the stated guidelines as to what constitutes “discrimination” or “vilification”. Foxtel submits that the Advertisement is not critical of or discriminate against any group of persons, including those with a mental illness, nor does it humiliate, incite hatred, contempt or ridicule.

Accordingly, Foxtel submits that the Advertisement does not breach Section 2.1.

Section 2.3

Ad Standards has also raised Section 2.3 of the Code (Section 2.3) as an applicable provision in the context of the Complaints. Section 2.3 requires that:

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

The Advertisement contains audio of the show’s character, Vanessa, interspersed with soundbites

from “Fighting Season”. Foxtel submits that the dialogue and sound effects used in the Advertisement are relatively low impact and unlikely to cause alarm and distress to the reasonable listener. Referring to the AANA’s Practice Note on the Code, Foxtel does not consider that the content of the Advertisement falls within the stated guidelines as to what constitutes “violence”. The guidelines refer to a range of other depictions, including “sexual violence”, “strong suggestion of menace” and “violence against animals”, and it is Foxtel’s view that the audio contained within the Advertisement does not present or portray violence.

However, if Ad Standards is of the view that the Advertisement does in fact present or portray violence, then Foxtel considers it has complied with Section 2.3 by presenting violence which is justifiable in the context of the product or service advertised. In this instance, the context is a promotion for a show whose central character, Speedo, is troubled following his deployment in Afghanistan. The dialogue is a direct reference to the struggles he and his wife consequently face. The audio representations within the Advertisement are a necessary and accurate indicator of the characters in the show and the themes that are explored. Foxtel submits that it is reasonable that the advertising materials have been produced to align with the show’s narrative and as such, any depiction of violence within the Advertisement is justifiable within the context of the show being advertised. Further, Foxtel submits that the Advertisement in no way trivialises domestic violence.

Accordingly, Foxtel submits that the Advertisement does not breach Section 2.3 nor does it breach any other provision of the Code.



Foxtel takes the Complaints very seriously and regrets any offence or distress caused to the complainants. It is important to note that Foxtel in no way condones or encourages domestic violence, or any kind of violence.

THE DETERMINATION

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

The Panel considered the complainants’ concerns that the advertisement depicts domestic violence and is distressing to viewers.

The Panel reviewed the advertisement and noted the advertiser’s response.

The Panel noted that some complainant’s concerns related to the program itself, in particular that a program depicting the effects of war is airing. The Panel noted that issues relating to the content of the specific program being promoted is outside the charter of the Panel.

The Panel 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 Panel considered the complainants’ concerns that the advertisement depicts domestic violence and is distressing to viewers.

The Panel noted the radio advertisement featured sound clips from the TV series ‘Fighting Season’. These clips included a woman sounding distressed and explaining that her husband is different since he came back from Afghanistan, sounds of a fighting scene with a child saying “dad stop”, and an explosion sound.

The Panel noted that although the woman in the advertisement sounds distressed, there is no indication of violence towards her. The Panel considered that there is a scene that sounds like fighting, but that it is brief and not overly descriptive.

The Panel considered that the product being promoted in the advertisement was a TV show and that it was reasonable for scenes from that show to be promoted in the advertisement. The Panel noted that the advertisement may be considered by some members of the community to be an advertisement concerning domestic violence and it is unclear that it is for a television program until the end of the advertisement. However, the Panel considered that this possible misunderstanding is not of itself a breach of the Code.



In the Panel's view the violence portrayed in the advertisement was justifiable in the context of the product advertised and did not breach Section 2.3 of the Code.

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

