



Case Report

1	Case Number	0507/12
2	Advertiser	Aspen Pharmacare
3	Product	Health Products
4	Type of Advertisement / media	TV
5	Date of Determination	16/01/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

The Umbilical Brothers (David and Shane), a well-known Australian comedy duo who are famous for their slapstick comedy, physically demonstrate different types of pain which require different pain relief. They do this by kicking, punching and pulling at one another whilst a voiceover describes the different types of pain.

THE COMPLAINT

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

There are two men, one is small and one is large, and it starts off with the small man kicking the large man in the shins and then the large man grabs the small man and twists his arm and leg to cause him pain, then the small man punches the large man in the mouth. I feel the commercial is far too aggressive and unnecessarily violent. It would be just as easy to show someone with a headache than to have this unnecessary level of aggression.

THE ADVERTISER'S RESPONSE

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

The Herron analgesic advertisement shows different types of pain in humorous way – delivered by an Australian comedy duo that is well known for their slapstick act in Australia and internationally. Importantly, this creative concept was researched with consumers and was strongly preferred because it is a different creative approach to the traditional pain relief advertisement of problem and solution. In that research, no consumers expressed concerns about this concept depicting an unnecessary level of aggression. It was understood that the demonstration was slapstick comedy well-acted, and that the relief depicted was also acted. It was understood that the slapstick approach was stylized rather than realistic. Importantly, no complaints regarding the advertisement have been received from consumers via the brand website or the company's Consumer Service Centre. In light of this, we believe that the advertisement is not in breach of section 2.3 of the AANA Advertiser Code 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 complainant's concerns that the advertisement is aggressive and unnecessarily violent.

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

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 that the advertisement features the well-known mime/comedy duo the Umbilical Brothers demonstrating different types of pain on each other.

The Board noted that the advertisement uses optical illusion to portray one of the men as a giant and considered that this unreal depiction combined with the humorous sound effects amounted to an overall tone of light-heartedness rather than actual aggression.

The Board noted that it had previously considered a similar case featuring the use of slapstick comedy (case reference 0010/12) where "The Board noted that the final scene depicts the main character 'risk' hitting one another and considered that most members of the community would consider this scene to be slapstick, reminiscent of The Three Stooges and not unacceptably violent."

In this instance the Board considered that the use of the Umbilical Brothers and their slapstick nature of comedy to demonstrate a pain relief product is not inappropriate and does not present violence in a manner which is aggressive or unnecessarily violent.

The Board noted the advertisement had been rated G by CAD and considered that the fantasy element and humour of the advertisement would be understood by, or easily explained to, a G audience.

Based on the above the Board considered that the advertisement did not breach Section 2.3 of the Code.

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