



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0537/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Sportscene</b>
<b>3</b>	<b>Product</b>	<b>Leisure &amp; Sport</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>19/01/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement is a montage of audio-visual footage advertising the pre-Christmas prices of various sporting goods for sale at Sportscene stores at Port Pirie and Port Augusta. The advertisement contains images of Sportscene employees demonstrating various sports equipment that is on sale including a brief scene of an employee throwing a dart at a dart board held by another. The employees shown in the image are clearly adults.

### THE COMPLAINT

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

*An incident where a person was holding a dart board kneeling down and a youngster was throwing a dart to it. It is a bad example of possible escalation by impressionable viewers where a person may hold a dart board at which some one fiercely throws a dart causing serious injury if they miss.*

### THE ADVERTISER'S RESPONSE

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

*The Advertisement was broadcast on Southern Cross Television, Southern Cross Ten and Nine, call signs GTS, SGS and GDS (collectively, Television Station).*

*The Television Station is owned and operated by Spencer Gulf Telecasters Pty Ltd, a subsidiary of Southern Cross Media Australia Pty Ltd. The Television Station produced the Advertisement for Sportscene. At Sportscene's request, we are providing this response on its behalf.*

*Background – Sportscene and the Advertisement:*

*The Sportscene Stores are sports warehouses which sell a broad range of surf and sportswear, health and fitness and general sports goods at discounted prices.*

*The 30 second Advertisement contains a fast-moving montage of audio-visual footage informing prospective customers of the pre-Christmas prices of various sporting goods for sale at the Sportscene Stores. Most of the Advertisement is filmed in the Sportscene Stores, and uses employees of the Sportscene Stores as talent.*

*The Advertisement was broadcast in various timeslots on the Television Station between 30 November 2010 and 4 December 2010 (inclusive). The Advertisement is no longer on air. As the Advertisement was given a "G" rating by the Television Station, the Television Station did not deem it necessary to refer the Advertisement to CAD for classification.*

*No advertising agency or media buyer was involved in the production and broadcast of the Advertisement.*

*The Complaint:*

*The Complaint refers to a scene in the Advertisement in which an employee of a Sportscene Store throws a dart at a dartboard held by another employee. The complainant has expressed concern that the scene sets a bad example for impressionable viewers "where a person may hold a dart board at which someone fiercely throws a dart causing serious injury if they miss".*

*Your letter states that the Complaint raises issues under section 2 of the Australian Association of National Advertisers Code of Ethics (Code). In particular, section 2.6 of the Code is cited.*

*Our Response:*

*We are sorry to hear that the Advertisement caused concern. The Television Station takes its responsibilities to comply with laws, regulations and codes, including the Code, seriously. Our client also treats its obligations to comply with advertising standards seriously. This is the first complaint our client has received about its advertising.*

*We have carefully reviewed the Advertisement in light of the contention set out in the Complaint. For the reasons set out below, we are of the firm view that the Advertisement complies with the Code and that the Complaint should not be upheld.*

*Section 2.6 of the Code provides that advertising or marketing communications shall not depict material contrary to prevailing community standards on health and safety.*

*With respect to the complainant, we do not agree that the image in the Advertisement of someone throwing a dart at a dart board held by another person, in the context in which it was shown in the Advertisement, is material contrary to community standards of health and safety.*

*The Advertisement features employees of the Sportscene Stores having fun playing with various sports equipment inside one of the stores. The tone of the Advertisement is fast-paced light-hearted humour. The intent of this tone is to convey the craziness of the low prices available for the products advertised.*

*The Advertisement also includes images of employees playing basketball, running on a treadmill, playing pool, using a home gym weight machine and punching a punching bag –*

*all inside a Sports Scene Store. It is clear from the Advertisement that this is not the usual way in which to use the equipment advertised.*

*The image of the employee throwing a dart at a dart board held by another must be seen in the context of the Advertisement as a whole. That is, as simply demonstrating the sports equipment being advertised in a fun and slightly unreal manner. The scene is very brief, and occupies less than two seconds of screen time. The employees shown in the image are clearly adults, not children. Contrary to the complainant's insinuation, the employee who throws the dart does not do so "fiercely", but does so in a slow, controlled manner. The employee does not throw the dart with any hint of malice or violence; nor does he aim the dart at the employee holding the dart board. The dart is clearly aimed at the dart board. Also contrary to the complainant's assertion, the employee holding the dart board is standing, not kneeling. He holds the dart board to his side, not directly in front of him. This further minimises any likelihood that the dart might cause serious injury to the employee holding the board if the dart misses the board.*

*The relevant image is brief and harmless. Shown in the slightly unreal context of employees playing with various sports equipment in store, it is not a depiction of material that is contrary to prevailing community standards on health and safety. The Advertisement does not suggest that the public emulate the employees by playing darts in that way, and we respectfully suggest that the Advertisement would not encourage an adult or child to play darts other than in the usual manner (in the same way that the Advertisement would not encourage anyone to play basketball in store). Further, darts is an adult game, and is not marketed to children. Therefore, it is unlikely that "impressionable" viewers would be influenced by the image to play darts in an irresponsible way (as presumably, for health and safety reasons, children should not have unsupervised access to darts sets in the first place). The Advertisement is not targeted at children, and was not aired in children's timeslots. None of the products advertised in the Advertisement (with the exception of a trampoline) are products of principal appeal to children. As the products advertised generally do not come within the scope of either the AANA Code of Advertising to Children or the AANA Food or Beverages Marketing Communications Code, these Codes do not apply to the Advertisement. We do not believe that the Advertisement raises any other issues under section 2 of the Code. Thank you for providing us with an opportunity to submit a response to the Complaint. We hope you find this response satisfactory. Please contact me if you would like further information about the Advertisement.*

## **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 concern that the advertisement shows an unsafe practice.

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

The Board considered whether the advertisement was in breach of section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that the advertisement is for a sports shop and features various scenes of the staff using the equipment they are selling.

The Board noted that in one scene in the advertisement, a dart is thrown at a dart board being held by another member of staff. The Board noted the advertiser's response that this scene was meant to demonstrate the equipment they sell and that the advertisement depicts a "slightly unreal context of employees playing..."

The Board considered that the scene showing the dart being thrown at the dart board depicts an unsafe act which could lead to serious injury. The Board considered that the employees playing with the equipment they are selling could be interpreted as demonstrating the use of the equipment, and therefore are condoning the holding of a dart board whilst darts are thrown at it.

The Board considered that the advertisement's depiction of a person throwing a dart at a hand held dart board is a depiction that is contrary to prevailing community standards of safety. On this basis the Board determined that the advertisement breached section 2.6 of the Code and upheld the complaint.

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

Please be assured that the advertisement in question hasn't been used since we were made aware of the complaint and will not be used in the future.