



Case Report

1	Case Number	0580/16
2	Advertiser	Department of Premier and Cabinet (Victoria)
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Other - miscellaneous
- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Domestic Violence

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a family at a park where the father is teaching his son how to kick a football, whilst the mother and toddler look on. The father encourages the boy to kick the ball at the mother. The boy does this and we see the ball hitting her in the head. The father notes that he [the son] "...could have kicked it harder (because)...she can take it".

Later that night we join the mother as she puts her son to sleep, and with the innocence of a child, he notes, "Dad was pretty good today, wasn't he?" We then see the mum reaching out for help the next day.

THE COMPLAINT

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

The adverts are sexist and do not cover the range of cultures and sexes that commit domestic violence.

For example - An accurate breakdown of DV deaths in Australia 2016 show 19 men vs 38 women.

It would be interesting if they could advertise some lifetime DV stats vs. sexual orientation, lesbian and bi-sexuals coming worst off.

Women also commit many of the crimes under the same category, yet there is no advert showing a female perpetrator.

Watching the government run adverts on DV over the last year, you would think that Caucasian white males in straight relationships are the only perpetrators, whereas in real-life there is a very high incidence of DV and abuse in the aboriginal community, and amongst lesbian and bi-sexuals partnerships.

This advert propagates an incorrect assumption that men only commit domestic violence, so there is no balance, for the taxpayer funds spent on this.

This ad demonizes all men.

There is no balance to the domestic violence issue - in that it can be females inflicting domestic violence upon men in many different forms.

It is unjust, unfair, derogatory and sexist to suggest the only domestic violence that exists is male as always the perpetrator and the female is always the victim.

I was offended that it was sexist and discrimination against men as it doesn't show both sides of domestic violence as a male victim myself I find this extremely upsetting that it's one sided.

I object because children don't understand sarcasm, they are literal in their interpretation. The advert is sarcastic and my children (aged 4 and 6) thought this advert was saying it ok to be aggressive. This advert played as we watched the TV with all 3 kids in the room. Most kids go to bed at 7 and I expect appropriate advertising while in family viewing time.

THE ADVERTISER'S RESPONSE

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

We do not believe the campaign contravenes the AANA Code for Advertising and Marketing Ethics with regard to Section 2.1 Discrimination or Vilification Gender, nor does it breach Section 2.3 Violence Domestic Violence.

These advertisements were informed by research, the 2016 Royal Commission into Family Violence, victim survivor groups, and frontline agencies. All scenes and messaging were tested by an independent research firm prior to the campaign's release in December 2016.

Violence, particularly family violence, is a major issue in our society that requires a strong Government and community response. It is a complex issue with many variables, and it is a problem that affects many different segments of our community.

Response to complaints regarding sexual discrimination or vilification of gender:

According to the Australian Bureau of Statistics (ABS), 95% of all victims of violence reported experiencing acts of violence (physical, sexual assault or threats) from a male perpetrator. According to recent studies from leading Australian organisations Our Watch and VicHealth, “The vast majority of violent acts – whether men or women – are perpetrated by men” (Our Watch, Change the Story, Nov 2015).

This is a gendered issue and we have portrayed it as such. It is not sexist as the complainant suggests. Rather, the facts are clear that family violence is, in the vast majority of cases, a male perpetrated crime.

Research from the 2012 ABS Personal Safety Survey and Australian Institute of Criminology shows that both men and women in Australia experience substantial levels of violence. The campaign is in no way designed to ostracise male victims of family violence, and the Victorian State Government recognises that a small number of cases exist. Yet, family violence and sexual violence is overwhelmingly committed by men against women, and the campaign has been produced in an attempt to confront this horrifying issue using an uncompromising and direct approach.

According to this same research conducted by the ABS in 2012, 89 women from across Australia were killed by their current or former partner between 2008-10, equating to nearly one Australian woman every week, and 36% of women across Australia had experienced physical or sexual violence from someone they knew.

Shockingly, for 62% of the women surveyed who had experienced physical assault by a male perpetrator, the most recent incident was in their home.

The 2012 ABS Personal Safety Survey also reported that since the age of 15:

- 1 in 5 Australian women had experienced sexual violence (compared to 1 in 22 Australian men); and*
- 1 in 6 Australian women had experienced physical or sexual violence from a current or former partner (compared to 1 in 19 Australian men).*

The campaign does not, as the complainant suggest, “...blur the lines between feminist rhetoric and factual data”. It is based upon the clear and indisputable fact that men are, by and large, the main perpetrators of violence.

Kelly Richards notes in her paper for the Australian Institute of Criminology, Children’s Exposure to Domestic Violence in Australia, “Although estimates vary considerably, research has consistently shown that violent households are significantly more likely to have children than non-violent households” (Bedi & Goddard, 2007; Fantuzzo et al., 2007; Zerk, Mertin & Proeve, 2009), and that violent households have a significantly higher proportion of children aged five years and under (Tomison, 2000).

Indeed, children are often a factor in women’s decision to stay in violent relationships (Victorian Department of Justice, 2009). Children can be exposed to violence from birth, and in some cases, even in utero (Bunston, 2008), as pregnancy is a time of increased risk of violence for women, with 17% of women who experience domestic violence doing so for the

first time whilst they are pregnant (Morgan & Chadwick, 2009).

Response to complaints regarding misrepresentation of men and women in family violence situations:

The Victorian State Government's campaign does not suggest that all men are abusive. Indeed the advertisement that the complaints focus on depicts only one family suffering from an abusive relationship amongst a normal park scene with many other people and families enjoying a day free from family violence.

The complainant suggests the campaign "...makes out women as weak and men as aggressive abusers". It does indeed portray men as aggressive abusers, as this has been proven as statistically accurate. The campaign, however, does not show the woman as weak. In contrast, it shows the mother/wife quietly strong, resilient and brave enough to seek help.

What the campaign shows are realistic situations recounted by survivors of family violence in courts and the Royal Commission into Family Violence where violence in its many guises takes place – in public and in the home – too often witnessed by children and in some cases being forced to participate. Adam Tomison, Director of the Australian Institute of Criminology notes that "Witnessing domestic violence can involve a range of incidents, ranging from the child only hearing the violence, to the child being forced to participate in the violence or being used as part of a violent incident" (Tomison, 2000).

Response to complaints regarding the advertisement being unrealistic / misrepresented: During the development of the campaign, the realism and messaging material was extensively tested with groups of men and women across Victoria by Qdos Research, and it was developed in consultation with a group of victim survivors, Our Watch and other family violence service providers.

Throughout this process the vast majority of people (both men and women) all responded to the gendered nature of the issue, acknowledging that whilst it happens to men to some degree, it happens in the main to women, and this needs to be called out and identified by the government as a serious issue.

The survivor groups all noted the realism of the situations, the controlling abusive nature of the violence without the physical violence, the impact of the violence on children and the strength of the woman to seek help.

Response to complaints regarding advertisement timeslot:

Media placement for all advertising is consistent with ratings from the television shows and CAD authorisation. The Footy Dad commercial has received approval to run during news programs, with a PG rating.

Conclusion:

In summary from our consultation and research with leading academics, survivors and from statistical research, the campaign is a factual representation of the issue, highlighting the statistically true gendered nature of the issue that is neither sexist nor discriminatory and

does not contravene the 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 complainants’ concerns that the advertisement is sexist as it suggests only men are responsible for domestic violence and that the violence shown is not appropriate for children to view.

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 this television advertisement features a dad encouraging his son to kick a football at his mother’s head and then saying he can do it harder because she can take it.

The Board noted the advertiser’s response that the advertisement reflects statistics that the majority of family violence is committed by men and considered that it was reasonable for the advertiser to target a particular demographic in order to garner the best results. Consistent with its previous determinations in similar cases (0144/11, 0302/13, 0212/16) the Board considered that by highlighting the issue of domestic violence against women the advertisement does not suggest that only men are responsible for domestic violence or that women could not also be responsible for domestic violence.

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 gender.

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 that when the boy’s football hits his mother’s head she appears to be in pain.

The Board noted that the advertisement had been rated ‘PG’ by CAD and considered that the level of violence depicted in the advertisement was not overly graphic or inappropriate in the context of an important community awareness advertisement aimed at a PG audience which would include children.

The Board considered that the advertisement did present or portray violence but that it was justifiable on the context of the product or service advertised.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

The Board considered 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 the complainant’s concern that the advertisement is sarcastic and that as sarcasm is not understood by children the message they take is that it is okay to be aggressive. The Board considered that in the context of the important community awareness message the advertisement is promoting, the use of sarcasm in a PG rated advertisement is not inappropriate and it is up to the responsible adults guiding their children’s viewing to explain PG rated content to their children.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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