



Case Report

1	Case Number	0581/16
2	Advertiser	Department of Premier and Cabinet (Victoria)
3	Product	Community Awareness
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	18/01/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

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:

This representation is not a fair or accurate, or realistic representation of men in Australia, let alone most men in the western civilised world.

I in no way approve of male or female violence. Though this portrayal of an Australian family is one that is at stark contrast with the majority of families in our country.

Why would a father take his family to the park to simply act like this?

And no, I'm not saying it NEVER HAPPENS, more so that this campaign seems to blur the lines of Feminist rhetoric and factual data quite blindly.

In short, this is actually sexist.

As the Mother of three adult Sons I know I have done a very good job to bring my sons up to be respectable human beings. This ad is very sexist. It makes out women are weak and men are aggressive abusers. I am offended beyond words. It should say all family violence is bad. Not just that against women. There are very good men out there, with very good Wives and Mothers, but this ad looks like men are aggressive abusers who need to be dealt with. ALL abusers should be dealt with. Please get this ad off tTV and put something true up there, like violence can be male or female. I am sick of the Man bashing in our society just to please the Feminist Propaganda Machine. It is not helpful in this Sexist form. If this is not sexist when we know women are guilty of this too, what is?

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 that women are weak and only men are responsible for domestic violence.

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 Facebook 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 noted the complainant's concerns over the depiction of women as weak. The Board noted that the message of the advertisement is that women do not have to accept acts of violence and that there is help available and considered that the manner in which the woman reacts in the advertisement is designed to highlight this message rather than suggest this is how women should, or would always, react.

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.

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

