



CASE REPORT

1. Complaint reference number	166/09
2. Advertiser	Origin Energy
3. Product	House goods/services
4. Type of advertisement	TV
5. Nature of complaint	Violence Hooliganism/vandalism/graffiti – section 2.2
6. Date of determination	Thursday, 14 May 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television commercial shows a range of scenes within the Brisbane City CBD. The images are predominantly of a grayscale. A range of images/objects are then shown with bright colours. The bright images are of flowers and other creations. People are shown to tip a Volkswagen beetle and it turns into a Ladybird beetle and spreads its wings. A large sunflower is seen to grow as well as colourful planter boxes are shown on buildings. Sunflowers are shown to be growing in the footpath. The final vision shows a large square covered with Sunflowers and the logo of Origin Energy is displayed.

THE COMPLAINT

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

I think as a green feel ad, breaking public property and collective car rolling over send a strange message to younger eyes watching this ambiguous advertisement.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

We note that the complaint received relates to the provision of the AANA Advertiser Code of Ethics (AANA Code) with respect to violence. We understand that the Board considers advertisements under Section 2 of the AANA Code in its entirety and so we have considered the advertisement with respect to all provisions of the Code. We find that the most relevant provisions are those that relate to violence (2.2) and health and safety (2.6) and comment on these provisions as follows:

Provision 2.2

We strongly believe that our commercial does not 'present or portray violence' as per the complaint received.

The 'Join in' campaign is designed to invite our customers to discover ways they can participate in helping to help create a brighter future. It brings to life our positioning of 'Together we can make a difference'TM

The TV commercial features a series of everyday scenes where bystanders make their own personal discoveries that lead to small, but positive changes to the world around them. Curiosity is sparked when the characters first discover unusual colourful shapes emerging from otherwise ordinary objects, whereupon they move, uncover or unearth the object to reveal bright paper-like animations in their place. The overall tone of the commercial is optimistic, with colourful imagery and an upbeat soundtrack that was written specifically for this piece of advertising. The characters

are inquisitive, cooperative, in many cases, smiling – and always positive. They do not display any characteristics commonly associated with violence or aggression.

The behaviour depicted is not consistent with any menacing, unruly, aggressive or destructive intentions. There is no suggestion that the characters are engaging in this behaviour with a view to causing damage or harm, and the objects are simply moved, they are not shown to be damaged or broken in any way. In this regard we note that there are no sound effects such as scraping or breaking. The people are coming together with a curious mindset to discover some very unusual scenarios, in a clearly fantastical sequence of events. You will note that the vehicle turns into a colourful ladybird, which is a benevolent and innocent image and the response of the crowd to the transformation is peaceful. At no time is any person or animal put in harm's way or faced with the threat of harm, injury or danger.

Provision 2.6

We note that the advertisement does not depict any person or animal being placed in any danger or threat to their health or safety. The characters are interacting with inanimate and harmless objects and no behaviour is directed towards any person.

Final comments

At Origin, we do not condone violence or anti-social behaviour in any way. Safety is always our first priority and at the heart of our core values, principles and commitments. We are committed to the highest level of service for our customers and the fair and safe treatment of all our employees. We are a socially-minded, responsible company, who is genuinely working towards a more sustainable future for all of our stakeholders.

I trust that your Board will agree that the advertisement in question does not 'present or portray violence' and does not breach the AANA Code in any way.

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 depicts vandalism of public property and causing a public nuisance, and considered the application of Section 2.2 of the Code, relating to violence.

The Board noted that Section 2.2 of the Code requires that "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 uses unrealistic and fantasy imagery through animation to depict the "greening" of the environment or a "brighter future", as the advertiser put it. The Board noted the image of the VW being tipped over but considered that the car tipping over and turning into a beetle indicated the fantasy nature of the advertisement and detracted from any suggestion that the behaviour was acceptable in real life. The Board agreed that the scenes depicted did not amount to the presentation or portrayal of vandalism or violence towards public property. The Board therefore found no depiction of violence as understood by most members of the community and, accordingly, no breach of Section 2.2 of the Code.

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