



CASE REPORT

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| 1. Complaint reference number | 168/07 |
| 2. Advertiser | Olympus Imaging Aust Pty Ltd (e410 Digital Camera) |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Nationality – section 2.1 Violence Other – section 2.2 |
| 6. Date of determination | Tuesday, 12 June 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows a family at the beach where Dad takes up a camera, attaches a lens and lifts it to focus, inadvertently facing it in the direction of two bikini-clad girls nearby, as his attention is distracted by his son calling him to watch his somersaults on the sand. The girls look up and see the camera pointing in their direction, then the girls' boyfriends are seen in the camera lens as they angrily approach the man. Feeling threatened, the man quickly pulls the camera down realizing the mistake he made and hides it inside his board shorts. The two men hustle over, looking threatening, but as they look him over, they see no camera. Dad shrugs his shoulders and then points towards a Japanese tourist with a large old style SLR camera taking photos. They run over in his direction to confront him and he appears confused.

THE COMPLAINT

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

This ad is pushing the supposed acceptability of using a digital camera in a negative way on a public beach. This is precisely the sort of thing we don't want portrayed. Given that there are more than enough perverts doing this already and creating a bad public image of cameras on public beaches, this will further cause friction between the public and legitimate photographers on public beaches.

It is typical racist stereotyping.

I have previously complained about this ad as being racially insensitive. But would like to add to it after seeing it again. Whilst the advertisers may think they are being clever and funny, I find the whole ad idea depolrable. It is exactly this kind of behaviour by a few "bad apples" that cause councils/schools, etc to ban cameras at functions, sporting events, etc where normal people may want to take photos of their children. This ad is reinforcing this kind of thinking

It could be taken as incentive to riot - as what happened at Cronulla; It makes out Australian men are itching for a fight rather than being peaceful heroes; It could be taken as racist; If we are to promote Peace in the World then this ad - proposing violence as the answer - is damaging and dangerous.

I really dont think that people should be encouraged to take aggressive action towards possible tourists or people carrying cameras. The two big blokes with their standover tactics only shows people that it is ok to bully others and show their anger - like promoting road rage. This kind of behaviour only serves to create fear and hostility.

The advertisement falsely represents that taking photographs on the beach is not permitted, and that having two men go together to remonstrated with the photographer is a reasonable

consequence of taking photographs.

THE ADVERTISER'S RESPONSE

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

It is not unlawful in Australia to take a photo of someone on a beach. In any event the man in the commercial does not actually take a photograph, nor is he intentionally lining up a photograph of the girls.

It is clear that the man is an ordinary family man watching his kids play in the sand. He is not a pervert or a deviant and is not acting in an inappropriate, criminal or predatory manner. It is apparent that he is not looking at the girls...he is simply in the process of setting up the camera which is positioned in their direction - the girls are only visible in the viewfinder as they happen to be in the camera's line of vision at that moment. Notable the man is not looking through the viewfinder at the time.

This is an example of a man being caught in the wrong place at the wrong time with a camera. The humour is that he is caught in a compromising situation by way of an unlucky coincidence. His quick, ingenious reaction in hiding the camera and diverting attention onto an unsuspecting tourist, adds to the humour.

The commercial is in no way condoning the overt taking of photographs of unknown people on the beach. Quite the opposite, the whole storyline makes it clear that this is not socially acceptable or appropriate behaviour. This message is reinforced by the irate response of the girls' boyfriends, the reaction by the man to cover up any involvement, and the look of disdain by his wife on seeing the camera.

While we acknowledge that unfortunately as a result of the activities of a small portion of society, privacy concerns have arisen in this area, these relate to very different circumstances, and should not necessitate a complete avoidance of imagery relating to the use of cameras on beaches.

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 about taking photographs on the beach, negative racial overtones and threats of violence in this advertisement.

In relation to taking photographs on the beach the Board considered that the father in the advertisement is depicted preparing the camera to take photographs of his children. In attaching the lens to the camera the man happens to be pointing the camera in the direction of two women. The women's reaction is a play on the sensitivity in society that exists around people photographing others without their consent in public places. The Board considered that a depiction of a father photographing his family at the beach, or of a tourist taking photographs of the beach are acceptable behaviour in Australia. The Board also determined that the advertisement was unlikely to cause friction between the public and legitimate photographers. The Board determined that this depiction was not a depiction of material that is contrary to prevailing community standards on health and safety.

In relation to the threat of violence from the two men who approach first the father and then the tourist, the Board noted that there was no actual violence depicted in the advertisement - rather that the two men were seen approaching first the father and then the tourist and asking if they had a camera and what they were taking photos of. The Board expressed some concern at the depiction of the two men but considered that there was no actual violence portrayed or heard and that the slightly humorous tone of the advertisement minimised the sense of violence. The Board considered that the advertisement did not encourage or suggest racial violence. The Board determined that the depiction was not a depiction of violence.

The Board noted the father's action of hiding the camera and pointing to another person on the beach, a tourist, as a means of deflecting the two men. The Board thought that this depiction did not demean men.

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