



## **CASE REPORT**

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|-------------------------------|-----------------------------------|
| 1. Complaint reference number | 174/09                            |
| 2. Advertiser                 | Hastings Metal Mart               |
| 3. Product                    | Hardware/Machinery                |
| 4. Type of advertisement      | Radio                             |
| 5. Nature of complaint        | Violence Other – section 2.2      |
| 6. Date of determination      | Thursday, 14 May 2009             |
| 7. DETERMINATION              | Upheld – discontinued or modified |

## **DESCRIPTION OF THE ADVERTISEMENT**

Radio commercial features two men talking. First man “Hey did you buy your steel from Hastings Steel Mart?” Second man “No”. The sound of slapping/hitting is heard. “Ow mate”. First man “Why not?”. Second man “well because I..”. Slapping sound. “Ow” First man “I’m sick of your excuses, here read this.” Second Man, “Hasting Metal Mart, the number one guys to see for all your steel needs including gates, gal beams and roofing.” Man one “And?” Man two “They are also your BOC gas agent and they are a big...” Sound of slapping “Ow mate?” Man one “hit in the Hasting. For knock out deals on steel, see Hastings Metal Mart, Uralla Road, Port Macquarie.”

## **THE COMPLAINT**

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

*I feel that this add promotes violence as a means of communicating frustration and hitting is therefore an acceptable way of responding when someone doesn't respond the way you want them to. Violence is an issue in the community and I don't believe that adds should promote violence as a means of resolving issues. I have sent 2MC an e-mail about my concerns but have heard nothing back but have continued to have heard the add on a daily basis since e-mailing them.*

## **THE ADVERTISER'S RESPONSE**

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

*This ad goes throughout the Mid North Coast area - a population of approximately 50,000 people. One complaint from this population would appear minimal. I have heard other current advertisements along the same lines and listening to Ray Hadley's "Continuos Call Team" (A much broader audience) you routinely hear callers told "Give yourself an uppercut" and WHACK, WHACK, WHACK.*

*Listen to "How Green is my Cactus" a send-up of our politicians the mock violence and ridicule in them. The ad represents Aussie humour and slang. It's aimed at the home handyman or woman. All ads have punch lines and gimmicks to attract the attention of the public. The majority of the community having made no fuss see the ad in a normal Australian way that this company has the best knockout deals in the area.*

*With this in mind I see no reason that the ad should be withdrawn or rewritten.*

## **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 that Section 2.2 of the Code requires that violence not be presented or portrayed unless it is justifiable in the context of the product or service advertised.

The Board noted the repetitive sound of a man being hit by another man and the victim’s expressions of distress. The Board noted the advertiser’s response about “mock violence”. However, the Board considered the sound effects used were realistic and not sufficiently slapstick to mitigate the depiction of hitting or violence.

The Board considered that the portrayal of violence was not justifiable in the context of the product being advertised. The Board therefore determined that the advertisement contravened Section 2.2 of the Code.

Finding that the advertisement breached the Code, the Board upheld the complaints.

### **ADVERTISER RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the Board determination include:

*As discussed even if the company disagrees with the verdict we have instructed 2MC to pull the ad and a new one is being arranged. Hopefully this one will not be offensive to the individual who made the complaint. I hope we do not have to correspond again in the future (I mean this in the nicest way).*