



## **CASE REPORT**

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| 1. Complaint reference number | 178/09  |
| 2. Advertiser                 | Drummond Golf   |
| 3. Product                    | Leisure & Sport   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Violence Other – section 2.2<br>Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 10 June 2009   |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement starts with a golfer in front of his golf buggy preparing for and then playing his shot. He looks complacent as he follows the trajectory of his shot until he notices a person dressed in a rabbit suit crossing the golf course. The golfer belatedly yells “fore” as the person is knocked over by the golf ball, dropping its basket of Easter eggs and lying on the ground. A graphic appears on the screen showing a golf club and the words “Big Bertha 460 Titanium Driver just \$198 Save \$101. Superseded - available, men’s right and left hand and women’s right hand”. A voice-over states words similar to those in the graphic. Another graphic appears showing four golf shoes and the words “Niblick Orthotic Brogues just \$72, save \$77.95. Get up to 52% off shoes. Plus, get 2 dozen Royal Maxfli Spin golf balls for just \$39 or 3 dozen for \$49”. At the same time, a voice-over states similar words. The voice-over continues with “So come on down to Drummond Golf and knock over some more great bargains in store” while a graphic on the screen says “Easter knockdown now on”. The advertisement then shows the handcuffed golfer being escorted to his golf buggy by a policeman while the words “Drummond Golf, We’ll lift your game” appear on screen.

## **THE COMPLAINT**

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

*I feel it was a very sick add as it implies that the ball hit the bunny. I recently lost a niece to a golf ball injury. It was a very big court case in NSW and has only just not long been settled in court. Her parents would be very disturbed by this add, as I and my husband were when we watched it last monday morning. I feel it was in very bad taste and bought back many bad memories.*

*Also a friends son who is only 8 saw the add and commented to his father how sick the add was and then asked what the add was trying to tell him except that the Easter Bunny got hit by the ball.*

## **THE ADVERTISER’S RESPONSE**

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

*In total we have had 5 complaints (including this) re our Easter sale TV ads. All of them have come from the same family via our website and phone. I have personally spoken to the family and apologized for the distress that this has caused them and possibly others. The agency or I were not aware of the particular incident that the complainant refers to in her letter. We’re a Victorian based company with stores nationally. The ad was designed to be played during the telecast of golf events where the majority of viewers (target audience) would be men aged 30 plus. The overwhelming responses that I have received from our franchisees and customers regarding these*

*ads have been very positive, "light hearted and entertaining". Without sounding condescending and arrogant I'm sure many TV ads can evoke some 'bad' memories for someone. We take any complaint seriously and that is why I have personally spoken to the complainant.*

## **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' concern that the advertisement depicts a person being hit by a golf ball and expressed sympathy for the family affected by a real life incident of this nature.

The Board viewed the advertisement and noted that the fairway is clear when the golfer hits the ball and that he immediately yells 'fore' as a warning when he realises that there is someone on the golf course at risk of being hit. The Board considered that the person being hit by a golf ball is clearly seen as an accident and that there are negative consequence to the activity (ie: being taken away by the police).

The Board considered that the advertisement did not depict violence and that the advertisement did not breach section 2.2 or section 2.6 of the Code.

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