



CASE REPORT

1. Complaint reference number	225/08
2. Advertiser	Pelikan Artline
3. Product	House goods/services
4. Type of advertisement	TV
5. Nature of complaint	Other - Social values
6. Date of determination	Wednesday, 9 July 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

We open on a small boy drawing on some paper with an Artline pen in his kitchen. His older sister rushes in on her way to school, she pinches the pen and rushes out the door. The older sister now has the pen.

Next we see the older sister in class writing with the pen. The teacher busts her for writing a note to someone in class. He grabs the pen and paper off her but just then the bell goes and she bolts out of class. The teacher now has the pen.

We cut to the teacher having lunch in a café. The waitress brings the bill and he signs it with the pen. The waitress takes the docket and the pen. The Waitress now has the pen.

She gives a table of businessmen their bill. One of them borrows the pen to sign the bill and keeps it. The businessman now has the pen.

Then we see the businessman walking with a politician while doing business. The politician goes to sign some official looking papers for the businessman and the politician offers him the pen to sign with. The politician hands the businessman the signed papers but keeps the pen. The politician now has the pen.

We now see the politician at a press conference with a rock star type figure. Behind them is a big outline of Africa. The politician signs a document. He then passes the treaty and the pen over to the rock star to witness the signature. The press cameras flash and the press fire a million questions. The rock star now has the pen.

We cut to the rock star being mobbed by fans. Our small boy from the beginning holds out something to be autographed. The rock star signs the piece of paper with the pen and hands both the autograph and the pen back to our small boy. Our small boy now has the pen back.

The pen has come full circle. We see the small boy walk back into the kitchen from the first shot. He puts the pen on the table.

The camera zooms in on the artline pen. Text on screen as a voice over whispers: Artline. The pen more people pinch.

THE COMPLAINT

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

They all give the message that its ok to steal a pen. Theft should not be condoned or promoted at any time particularly to children. 'Pinching' is theft even if it is only a pen. The whole ads are based on the slogan "The pen more people pinch" If it is ok to steal a pen where do we draw the line that it is not ok to steal something more?

THE ADVERTISER'S RESPONSE

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

We have considered the complaint and the advertisements in question in light of the provisions of the AANA Code of Ethics (“Code”). We note that the nature of the complaint relates generally to “social values” and specifically to the concern that this could send certain messages in relation to theft.

We have carefully considered the Code and have assessed each of the provisions against the content of these advertisements. We find that the advertisement does not breach the Code on any of the grounds set out in the Code.

Provision 1.1 provides that advertisements shall comply with the laws of the Commonwealth and relevant State and Territories. However this relates to the advertisement itself and would cover laws such as the Trade Practices Act, and does not relate to the behaviour or themes depicted in the advertisement.

The advertisements do not contain any content that is discriminatory against any person or section of the community, or that presents unjustifiable violence, or that uses inappropriate sex or offensive language.

The closest provision in terms of relevance is 2.6, which provides that advertisements shall not depict material that is contrary to prevailing community standards of health and safety. However this does not apply generally to prevailing community standards, it is those standards that relate to health and safety. In each of these advertisements, there is no suggestion that there is any risk or danger to any person’s health or safety.

There are a number of commercials that have been on air for some time that depict behaviour or themes similar to those in the Artline commercials in question. One such example is the Nurofen Plus television commercial where the heroine makes her way through a web of security laser beams, in order to steal a tiara, and manages to do so, just missed by the security guard. We note that a complaint made against this commercial on similar grounds to the complaint in question was dismissed by the Board on June 2007 (complaint reference number 165/07).

In relation to these advertisements specifically, we took care to ensure that the commercial was within the boundaries established by the Code and to ensure that we respect and comply with the self regulatory system in place.

In this case the theme of the commercial is light hearted and plays on the common realities involved with pen use and ownership. In everyday life, whether at work, at social events or otherwise, and whether inadvertently or not, there is a tendency for people to pass their pens around. Prior to the development of the campaign, our advertising agency conducted one on one research with office managers and workers and the observations derived from this research were subsequently played with in innovations workshops. The common theme that arose from this process was the inherent reality that some days your desk caddy is full of pens, and other times it is empty. No one can explain where the pens go – they just do. Another common theme that arose was that it always seems to be the good pens that go missing.

We considered that this common reality is something that consumers would be able to tap into and relate to, as they would have experienced this curious phenomenon in some way or another. This is an insight that we played with in these advertisements in a humorous way. The idea is that pens are small everyday items, and something that many people tend to treat in this relaxed and almost communal way. We believe that this allowed us to play on this in a playful and light-hearted manner, without sending any serious messages about dangerous or criminal behaviour. We stress that this is not harming any person or placing them in any danger.

Obviously the intention was not to condone or encourage stealing or crime in a general sense. The advertisements were a creative play on a common experience and do not stray beyond the boundaries of the Code.

For the above reasons we submit that the advertisement is not in breach of the AANA Advertiser 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 viewed the television advertisement and found it to be warm and engaging.

The Board considered that the advertisement played on the common reality of people misplacing their pens and ending up with someone else's pen instead.

The Board noted that the advertisement features a cycle with the pen eventually being returned to its original owner.

The Board agreed that the advertisement was not advocating stealing and nor could the actions of the people in the advertisement be considered malicious.

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