



## **CASE REPORT**

1. Complaint reference number	235/05
2. Advertiser	BRP Australia Pty Ltd (Evinrude)
3. Product	Other - Outboard Engines
4. Type of advertisement	TV
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Tuesday, 13 September 2005
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The first scene in this television advertisement depicts a young man purchasing an outboard motor for his boat. As he signs the sales document, the salesman knees the customer firmly in the groin. The customer collapses on the floor. The following scene in this television advertisement depicts another customer retrieving his engine from a repair shop. As the repairman hands the gentleman his invoice, he punches the customer in the groin. As the customer falls to his knees the repairman stands up and says: *“That’s your bill”*. The following scene in the television advertisement depicts another salesman requesting a customer to sign for the receipt of his new boat engine. As the man signs the receipt the salesman kicks the customer in the groin causing him to double over. A voiceover states: *“Owning a four stroke outboard hurts sometimes. Introducing the new E-tech from Evinrude. It’s fast, fuel efficient and easier to own than any four stroke in its class”*.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*“... This gratuitous violence I find offensive, unacceptable, unwarranted and in no way amusing.”*

## **THE ADVERTISER’S RESPONSE**

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

*“I should at the outset mention that it was approved by the CAD of Free TV with the restriction that it not be shown ‘during P and C programs or adjacent to P or C periods’ ... So far as I am aware these restrictions have been observed.”*

*“The message of the advertisement is that owning 4-stroke outboard engines can ‘hurt’ the owner financially but that the new E-Tec engine will not.”*

*“While the message is not portrayed in a subtle way it would be quite apparent that the ‘violence’ portrayed is not real and is in the nature of slapstick humour...”*

*“While a small child might see the scenes depicted as being real,... any mature persons would see the commercial for what it is - a humorous message to consumers.”*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered that the depictions of violence in the advertisement were deliberate, realistic

and gratuitous. The Board was of the opinion that in the context of prevailing community standards this advertisement approached the boundaries of what most people would consider unacceptable.

Despite the realistic depictions of violence in this advertisement, the Board noted that the advertiser had employed a high degree of humour in an attempt to off-set the effects of the violent depictions.

The Board considered that the majority of people would understand the humour employed in this advertisement which was designed to convey the message that “*owning a four stroke outboard can hurt sometimes*”.

The Board determined that the advertisement did not breach the provisions of the Code relating to the portrayal of violence.

Further finding that the advertisement did not breach the Code on any other grounds the Board dismissed the complaint.