



## **CASE REPORT**

1. Complaint reference number	26/09
2. Advertiser	National Australia Day Council
3. Product	Public Awareness
4. Type of advertisement	TV
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Wednesday, 21 January 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

In this television advertisement from the National Australia Day Council a young man arrives at a house, rings the doorbell which is answered by a man wearing a dressing gown. The young man tells the other that records show he had spent last Australia Day on the couch. The man agrees. After the young man is lead through the house to the backyard barbecue the young man explains to the other that Australia Day is a chance to say thanks for beaches, lamington drives, Kylie and our democratic right to give dead arms. He gives the man a punch on the arm and the other man says, "Right". The young man then puts his arm on the other mans shoulder. The advertisement ends showing the two men standing on the back veranda, with the Australian National Anthem playing.

## **THE COMPLAINT**

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

*Whilst I object to the advertisement in general, my more specific concern lies within the young man's assertion that we are democratically entitled to inflict violence on others('it is our democratic right to give a dead arm'). As a teacher, I am appalled that this slipped through the standards and checks. It is wrong to assume that people have the right to punch one another or inflict pain intentionally. This is contrary to the work that teachers do and I can guarantee that I will need to address many 'dead - arm' incidents in the next month. If this happens all over Australia there may be an escalation in the violence, as some students retaliate. In an era where we are attempting to promote harmony and peace and in an era, where we as teachers around the country are actively working at reducing bullying and unwanted aggression - this advertisement is about to undo years of hard work. It must be removed immediately - and the TV stations, the adverising company and the The Australia council need to be severely reprimanded.*

## **THE ADVERTISER'S RESPONSE**

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

*The National Australia Day Council Limited is a not-for-profit Commonwealth owned company with the purpose of inspiring national pride and spirit to enrich the life of the nation. As part of our program we present a national adverting campaign to promote participation in the celebration of Australia Day. With the exception of an updated logo, the campaign running for Australia Day 2009 is exactly the same as for 2008. The campaign has been developed pro-bono by George Patterson Y&R (Melbourne) and is placed pro-bono by the national media using the services of the Australian Government's master media buying agency Universal McCann. The campaign receives television, cinema, print and outdoor placement. The 'Australia Day Man' campaign is designed to target citizens who are not currently participating in Australia Day. Our reserach indicates that*

*apathy is the main block of non-participants. The campaign uses Australian irony to reach this disengaged audience. The use of the phrase 'democratic right to give dead arms' is clearly ironic. The irony of this statement is highlighted by the list of other ridiculous actions and the clear satiric tone of the television commercial. There is no suggestion that violence is to be condoned nor is it a day to lie at home on the couch. The opposite is the case. Australia Day is a day with civic meaning and a day for public participation in community events.*

## **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 that the advertisement promotes bullying and violence in the community by suggesting that Australians have a right to give other people 'dead arms'. The Board viewed the advertisement and noted the lighthearted and humorous tone of the advertisement. The Board considered that the depiction of the man giving the other man a 'dead arm' was not aggressive. The hit on the arm was not forceful and the man receiving the hit was not hurt or in any pain from the hit. The Board considered that the advertisement did not depict violence.

The Board considered that the suggestion of there being a right to give 'dead arms' was humorous and unlikely to be taken as an incitement for people to start giving each other 'dead arms'. The Board considered that this advertisement's suggestion of dead arms was not likely to lead to an increase in bullying but would be likely to be taken in the lighthearted manner in which it was presented. The Board determined that this aspect of the advertisement did not breach section 2.2 or section 2.6 of the Code.

The Board also noted that the advertisement suggests that the activity of people on Australia Day is monitored or able to be monitored by the government or some other body. The Board considered that this was fantasy and humorous and not against any provision of the Code.

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