



## **CASE REPORT**

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| 1. Complaint reference number | 278/00  |
| 2. Advertiser                 | Janssen Cilag Pty Ltd (Livostin)                                |
| 3. Product                    | Health Products   |
| 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      | Tuesday, 17 October 2000  |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

The television advertisement portrays a scene in Court where a lawyer says, ‘In your own words, Mrs Sinclair, describe for the Court your relationship with your late husband.’ A woman in a witness box replies, breaking down as she does so, ‘You can’t begin to understand what it was like, living with such a tyrant ..... cold, heartless man. He never showed me any love or affection.’ The lawyer appears distressed and weeps into his handkerchief as she continues, ‘There were other women. He didn’t even bother to deny it.’ Seeing the lawyer’s distress, the judge says, ‘I think under the circumstances, Counsellor, I’ll call for a short adjournment.’ The lawyer is seen in a public washroom sneezing into his handkerchief, his eyes red and watery. He inhales the product as a voiceover says, ‘Livostin antihistamine relieves hay fever in minutes because it gets straight to the problem and keeps it at bay for twelve hours, so you’ll be back to your old self in no time.’ The lawyer, now fully recovered, is shown again in Court saying, ‘I sympathise with your predicament, Mrs Sinclair, really I do. But I think the Court will agree that’s hardly an excuse for clubbing your husband senseless with his favourite seven iron, is it?’ He produces a golf club, its blood-smear head in a plastic bag, and swings. The advertisement concludes with text and voiceover: ‘Livostin relieves hay fever in minutes.’

## **THE COMPLAINT**

Comments which the complainants made regarding this advertisement included the following:

*‘I found it belittled the whole complex, sensitive and serious issue of domestic violence and believe it would be offensive to people on the receiving end of domestic violence to see the issue dealt with in such a trivial manner.’*

*‘Domestic violence should not be used in any kind of attempt at humour, or to market a product.’*

*‘Gathering from the reaction of the audience in the cinema to the advertisement I wasn’t the only one who found it upsetting and offensive.’*

*‘The murder weapon, which is a golf stick, covered in what resembles blood and hair. It is a revolting sight, and is very distasteful.’ (sic)*

## **THE DETERMINATION**

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches Section 2 of the AANA Advertiser Code of Ethics (‘the Code’).

The Board determined that the material within the advertisement did not contravene prevailing community standards and that the advertisement did not breach the Code on any ground. The Board, accordingly, dismissed the complaint.