ADVERTISING STANDARDS BUREAU

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# CASE REPORT

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| 1. | Complaint reference number | 300/08 |
| 2. | Advertiser | Stuart Alexander |
| 3. | Product | Food & Beverages |
| 4. | Type of advertisement | TV |
| 5. | Nature of complaint | Violence Other – section 2.2<br>Food and Beverage Code – other |
| 6. | Date of determination | Wednesday, 13 August 2008 |
| 7. | DETERMINATION | Dismissed |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a semi-trailer pulling into a truck rest stop at dawn. The drivers exit the cab and the older driver takes out a packet of Fisherman's Friends lozenges. The younger driver as if he may have one and tho older driver offers him one. The younger man's eyes suddenly see a tall attractive blonde woman wearing "designer oilskins", a fisherman's hat and long black boots walking towards him, carrying a large fish. She smacks him in the face with the fish. After displaying a shocked expression the man smiles and shouts "Oh yeah!" A male voice over announces "Fisherman's Friend. It's invigorating." The scene ends with a shot of a packet of Fisherman's Friend and the girl standing alongside smiling, and swaying the fish like a baseball bat.

## THE COMPLAINT

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

*Unlawful - This is clearly a violent assault. Being hit in this manner would most likely cause injury and so it would constitute an indictable offence.*
*Demeaning - The male victim is portrayed as gaining pleasure from being assaulted. Gender seems to be a key theme at play in this ad, and so it is demeaning not only to the victim in question but also to men in general.*
*Depicts that violence is ok as long as it is female against male - Despite recent media hysteria to the contrary males are frequently assaulted by females. If we are to believe that Australia says no to violence against women then it follows that the same would probably apply in respect to men.*
*Presents a clear double standard - One only has to reverse the genders of the offender and victim in this ad to see the double standard this ad represents. A male hitting a woman violently in the head with an object probably wouldn't get past the censors, and one has to seriously question how this ad did.*
*Reinforcing the stereotype of the dim witted male - The media and entertainment industry abound with examples of the portrayal of men as dim witted individuals who are not capable of behaving in a civilised manner. The removal of this ad will be a very small but important step toward rebutting this unacceptable status quo.*

*I object very strongly to the use of violence portrayed against anyone and considering the govt is running advertisements against women I am most surprised that it appears your agency regards violence by women against men socially acceptable. Violence by women against men is not funny in any way and only perpetuates the myth that only men are perpetrators of violence. Where this ad portrayed a man in a red suit walking up to a woman and hitting her with a 5 kilo item I'm sure it would not pass the test, if it did the complaints would be very loud indeed. Why then is it ok for a woman to hit a man but not a man hitting a woman. I am appalled that your organization has chosen to allow this ad to be run and repeat violence against any sex is not funny.*

**THE ADVERTISER'S RESPONSE**

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

*It is the position of Stuart Alexander & Co Pty Ltd and **Lofthouse of Fleetwood Ltd** (the overseas brand owner) that:*

*1. the commercial is not intended to offend nor do we believe we are encouraging unnecessary violence or inciting violence in children. The fish slap is used to represent a hit of invigoration given by Fisherman's Friend® lozenges.*

*2. the pleasure experienced by the younger man is not gratification from being slapped with a fish but rather is pleasure received from the invigorating hit given by Fisherman's Friend® lozenges;*

*3. the commercial is a light hearted, tongue-in-cheek and humorous campaign. It is not intended to be taken seriously by the viewer;*

*4. the imagery of the elegant, long limbed girl is used to represent a friend from every fisherman's dreams;*

*5. the commercial was designed to appeal to the target market of men aged 40 years plus. This is another reason why the tongue-in-cheek fisherman's dream of an elegant, long limbed girl is used. The girl is not used in the commercial to advocate or encourage violence by women towards men;*

*6. the commercial was aired last year during the following periods without complaint:*

*(a) on free-to-air television during the period 29 July 2007 to 6 October 2007; and*

*(b) on Sky Racing from 7 October 2007 to 24 November 2007;*

*7. the commercial has been reviewed and approved by Commercials Advice Pty Ltd (**CAD**) on two occasions as follows:*

*(a) in July 2007:*

*CAD Approval Number: PWVWWFOA*

*Rated: PG*

*(b) in May 2008:*

*CAD Approval Number: POGCA8FSA*

*Rated: PG*

*8. the commercial has been shown in time slots which Stuart Alexander and the relevant television stations consider appropriate given the content of the commercial, its rating and the audience likely to be watching at those times.*

*For these reasons it is our view that the commercial does not contain matter prohibited by, or in breach of, the AANA Advertiser Code of Ethics. In our view, the manner in which violence is portrayed in the commercial is justified in the context of the product advertised.*

**THE DETERMINATION**

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

The Board reviewed this advertisement under Section 2.2 of the Code that deals with the portrayal of violence.

The Board noted that the young woman is dressed in a fantasy version of the traditional fisherman's garb. The Board further noted the fact she was holding a large fish and considered that this added to

the fantasy elements of the advertisement and suggested she is not a real person but that of the mythical 'fisherman's friend'.

The Board then considered the interaction between the woman and the younger fisherman. She is clearly seen to strike the man but his reaction is positive and unsurprised. The Board agreed that the action between the two is a metaphor for the effects of the product being advertised - that of the fisherman's friend lozenge.

The Board considered therefore that the action of the fish slapping the man was justifiable in the context of the product being advertised and therefore did not breach Section 2.2 of the Code.

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