



CASE REPORT

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| 1. Complaint reference number | 307/07 |
| 2. Advertiser | Jamba! GmbH (Love Calculator) |
| 3. Product | Mobile phones/SMS |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Violence Other – section 2.2 |
| 6. Date of determination | Tuesday, 11 September 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a young male and female at a bar in a club. A female voiceover asks "Ever wondered if you and your dream partner's name's are really compatible for love? Well, there's an easy way to find out. SMS the word "TRUE" and your name (say Kate) and your dream partner's name (Tom), to 19 18 18. High or low, get to know their compatibility numerology love rating now. Subscribe and get your calculated love compatibility score delivered in a flash". The female at the bar sends details by SMS and receives a compatibility rating between herself and the male as 9%. The female voiceover comments "Oh-oh, this doesn't look good. Get the score that counts." The female then takes a drink from the bar, sloshes it into the man's face then walks away. The voiceover concludes with a giggle "Sorry guys. Sometimes love hurts."

THE COMPLAINT

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

It is unwarranted violence for entirely indefensible reasons, and is demeaning to men. It is sexist in the extreme, anti-social and I find it offensive that my 5 yo son had to bring it to my attention, questioning why the man had been assaulted by the woman. His observations prompted this complaint. Had a man done that to the woman, the ad would never have been screened or aired.

Throwing a drink in anyones face is assault. In these days when violence against women is on the rise that is unacceptable behaviour from a boy or a girl. It is provocation and girls should not be given the impression that it is acceptable behaviour on their part.

The young woman assaults the man by throwing her drink over him. The man did nothing other than give the girl his name. Her action is not only unwarranted but illegal. There is currently a powerful advertising campaign against violence towards women yet here we see a woman as a perpetrator of violence against men. I do not want my daughter to think it is acceptable to treat men or anyone in this way. I also have a son and don't want him to think that society condones this double standard.

Physical and psychological violence must not be tolerated or trivialized (sic) to both genders. Apparently it is ok for young inexperienced and intoxicated females to throw drinks in the faces of young men. Why didn't she finish the job and grind the glass into his face as happens with these feral felons in hotels and bars especially if they are under the influence of booze and drugs. I am not going to accept advertising that denigrates, demeans and puts down males, especially when it trivializes (sic) criminal assault on men.

THE ADVERTISER'S RESPONSE

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

We at Jamster have taken serious note of these issues, and have undertaken an internal review of the complaints and through this response seek to address the issues raised. We strongly believe that this TVC was made in jest with a humorous nature and in this way does not support violence or assault.

The Love Calculator is a service that provides a love prediction on the basis of 2 names. It is a fun application that appeals to all ages and the TVC was created with this in mind. The whole scene was to depict 2 adults who are “talking” to each other via their mobiles and via exaggerated facial expressions. She is playfully flirting and he has an arrogant stance and combined with the voice over the whole scene depicts a cheeky play on reality, in this way it cannot be taken as a true situation rather just a contrived one to show how the application works. The drink thrown over the male is to depict a bad love rating which was set as a contrived situation. This is supported by the voice over saying “sorry guys but sometimes love hurts” and laughing at the end.

The advertisement in question was in no way meant to be a display of reverse sexism or abuse against men. In fact an Australian male made this TV spot and he felt as though this situation was one some people could relate to. The male in this TVC felt as though this “love match” was one which represented taking a “cold shower” or having a drink poured over him, in other words the relationship was not for him. It was intended to be a satirical play on how love can go terribly wrong and proof that these 2 people do not belong together. Jamster would like to reiterate that we do not condone violence in any shape or form and in this case feel it is a simple play on the situation.

Jamster takes this complaint and concerns of this nature very seriously and we remain in the belief that the advertisement was in no way supporting violence of any nature.

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 was violent, sexist and demeaning towards the man.

The Board considered that the advertisement was attempting to use humour to depict an unlikely love match. The use of the names 'Tom' and 'Kate', a reference to a famous Hollywood couple, is intended to depict the situation as humorous. The Board noted that the woman throws her drink over the man. The man is not hurt and does not appear offended. His only reaction is to look a bit glum.

The Board considered Section 2.2 of the Code which states that 'advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised'. The Board considered that the drink throwing, shown at the end of the advertisement, is a minor part of the advertisement and accompanied by the voice over 'sometimes love hurts' is intended to be lighthearted and a satirical depiction that love doesn't always go right. In this context the Board considered that the advertisement did not breach Section 2.2 although noted that the advertisement was approaching the limit of what is considered acceptable.

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