



## **CASE REPORT**

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|-------------------------------|------------------------------|
| 1. Complaint reference number | 34/07                        |
| 2. Advertiser                 | China Tea Club               |
| 3. Product                    | Restaurants                  |
| 4. Type of advertisement      | Radio                        |
| 5. Nature of complaint        | Violence Other – section 2.2 |
| 6. Date of determination      | Tuesday, 13 February 2007    |
| 7. DETERMINATION              | Dismissed                    |

## **DESCRIPTION OF THE ADVERTISEMENT**

This radio advertisements begins with the sound effect of a blade falling as a crowd cheers and a voice is heard to say "Next". This is repeated again. The next time the voice calls "Next" a second male voice is heard to plead "Excuse me, do you mind if we wait a moment? I'm very sorry, it's just that I've ordered Chinese takeaway from the China Tea Club and the China Tea House. It should be here any minute...they deliver to most areas of Canberra you know". A voiceover announces "The China Tea Club in Lyneham and the China Tea House in Erindale, dine in or takeaway...you've got to try it even if it's the last thing you do". The sound of a blade falling and a cheer, follows.

## **THE COMPLAINT**

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

*I find this ad repugnant and feel nauseated when it comes on as they are trivialising the death penalty and making violence "funny".*

## **THE ADVERTISER'S RESPONSE**

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

*The advertisement was written for The China Tea Club by our Creative Writing team (Mix 106.3). The China Tea Club's approval was sought for the advertisement and they approved it as they liked it because it was an advertisement that indicated that as a last request by someone they wanted to order from The China Tea Club. The advertisement was not written with any type of view to offend anyone and The China Tea Club did not at any time believe that the advertisement would cause any offence.*

## **THE DETERMINATION**

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

The board listened to the advertisement and considered whether it breached Section 2.2 of the Code dealing with violence.

The Board noted the complainant's comments that the advertisement was 'repugnant' and considered the sounds of people being decapitated. The Board considered that the allusion to decapitation was not particularly obvious and in any case not until the end of the advertisement. The Board concluded that the concept was hyperbolic, over-the-top and farcical. The Board considered that the advertisement, while tasteless, was unlikely to cause distress or offence within the community

generally.

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