



CASE REPORT

1. Complaint reference number	346/06
2. Advertiser	Buzzbee Toys (Tommy 20)
3. Product	Toys & Games
4. Type of advertisement	TV
5. Nature of complaint	Violence Other – section 2.2
6. Date of determination	Tuesday, 12 September 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a young boy walking past a billboard advertising the Tommy 20 gun. A cartoon boy in the billboard whistles to get his attention then starts firing a Tommy 20 gun at him as a voiceover announces “Something surprising is becoming reality.” Having dodged the missiles, the real boy takes an image of the gun from the wall as the voiceover continues “The super weapon with an extendable stock, maximum velocity and precision.” The boy starts firing the weapon back at the cartoon boy, rolling on the ground and firing the missiles to land around the outline of the cartoon boy’s body. The voiceover continues “Tommy 20. Incredible shooting power. Every challenge for Tommy 20 becomes special. And now nothing will ever surprise you.” The real boy with the Tommy 20 then steps into the wall image and disappears as the announcer concludes “Tommy 20. Fun on the edge of reality”.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

...our young children should not be encouraged to so-called play this way what can only be described as a very inappropriate toy. The closing slogan/punchline is even more disturbing “Fun, on the edge of reality”.

It promotes a toy that in reality is used for violence....Guns are violent and serve only one purpose, the destruction of others – to advertise them to children is offensive when there are so man killing going on now in reality!

...how can you justify advertising any type of “killing” instrument...even if it is only a toy. This ad is showing and encouraging children that it is okay to shoot out in the street as the Tommy 20 is very lifelike. The fact that this is regarded as a toy is not acceptable.

THE ADVERTISER’S RESPONSE

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

The complaint...relates to the fact that the commercial shows a boy having fun with a toy gun.

The commercial shows no violence or any harm being done to anyone.

This toy is being retailed by all major toy retailers in the country....the toy itself has met all of the stringent safety requirement of the retailers.

We have had no complaints from customers of the stores about the product which fires soft “nerf” darts.

THE DETERMINATION

The Advertising Standards Board (the Board) considered whether this advertisement breached the AANA Advertising to Children Code (the Children's code).

To come within the Children's Code, the material being considered must be an "advertisement". The Children's Code defines an "Advertisement" as follows:

"matter which is published or broadcast in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it to a product, service, person, organisation or line of conduct in a manner calculated to promote or oppose directly or indirectly the product, service, person, organisation or line of conduct".

The Board decided that the material in question was broadcast in all of Australia or a substantial section of Australia for valuable consideration, given that it was being broadcast on television in Australia. The Board determined that the material draws the attention of the public or a segment of it to a "product" being the Tommy 20 "in a manner calculated to promote...that product".

The Board then needed to determine whether the advertisement is an "Advertisement to Children", which is defined in the Children's Code as meaning:

"Advertisements which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product".

"Children" are defined in the Children's Code as being 14 years old or younger. The Board noted the advertiser's comment that the advertisement was directed to parents. The Board had regard to the product, music, theme and visuals used, and considered that the advertisement was directed primarily towards children and was therefore within the scope of the Children's Code.

Having concluded that the material is an "advertisement to Children" as defined by the Children's Code, the Board then had to determine whether the advertisement is for a "Product". "Product" is defined in the Children's Code as meaning:

"goods, services and facilities which are targeted toward and have principal appeal to Children".

The Board determined that the Tommy 20 is a "good" targeted toward and having principal appeal to Children and accordingly is a Product.

The Board considered whether the advertisement depicted material that contravened section 2.2.1(a) of the Children's Code, specifically:

'must not portray images or events which depict unsafe uses of a Product or unsafe situations which may encourage Children to engage in dangerous activities.'

The Board considered that the depictions of the child using the Tommy 20 were images of the appropriate use of the product. The Board considered that these images would not encourage children to engage in dangerous activities. The Board determined that the advertisement did not breach any of the provisions of the Children's Code.

The Board then considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concern that the advertisement encouraged children to use guns. The Board noted that an element of the complainant's concern was whether toy guns should be advertised at all. The Board noted that the advertiser has the right to advertise its product, provided that the advertisement complies with the Code. The Board also noted the advertiser's response that the Tommy 20 is a toy that meets all relevant toy safety requirements.

The Board noted that the product shoots soft darts and considered that the advertisement showed a child using the Tommy 20 in the manner intended. The Board considered that there was no violence depicted in the advertisement.

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