



CASE REPORT

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| 1. Complaint reference number | 373/06 |
| 2. Advertiser | McMillan Criminal Lawyer |
| 3. Product | Professional services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Other – section 2.2 Other - Causes alarm and distress |
| 6. Date of determination | Tuesday, 10 October 2006 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a home kitchen scene as a man snoozes in a chair as his wife prepares a meal. Suddenly two police enter the room and grab the man, dragging him outside as his wife screams in terror after her husband “What do I do?” The husband calls back “Call McMillan”. Contact details for the legal service then appear on screen.

THE COMPLAINT

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

This horrible ad is distressing, grotty, probably discriminatory, and very disturbing. The use of chaos and violence is inappropriate and unwelcome on my television... my children viewed this ad and were very distressed.

THE ADVERTISER’S RESPONSE

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

The violence portrayed in the advertisement was of a very restrained nature, threatening language and special effects had a very low sense of threat or menace and was strictly limited to the storyline... The suggested violent behaviour was not depicted to encourage its acceptance.

It certainly does not discriminate nor portray a deceptive or unfavourable view of the police service... what it does portray is a regularly occurring scenario of arrest. The police do not engage in unnecessary violence – they are merely doing their job. It certainly falls well short of the violence depicted in other, fictional, programs

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 that this advertisement was given a “W” classification by CAD and that it could therefore be shown on television at anytime other than during pre-school and children’s programs.

The Board noted that the complainant was concerned that the violence depicted in the advertisement was inappropriate and was particularly upsetting for children.

The Board noted that the advertisement did depict police entering a couple’s house without notice and restraining the man. The Board noted that the advertisement depicted the man and woman

becoming upset/traumatised and that there was shouting and distress accompanying the images of the man being taken away by the police.

The Board noted that section 2.2 of the Code requires that advertisements not present or portray violence unless it is justifiable in the context of the product or service advertised. The Board considered that advertising for the services of a criminal lawyer was a product that may justify the depiction of some violence. However the Board considered that the level of violence and distress depicted in the advertisement was not appropriate for the audience that was likely to view the advertisement – an audience which, because of the time of day that the ad could be shown, was likely to include young children.

The Board determined that the material contravened section 2.2 of the Code and accordingly the Board upheld the complaint.