



CASE REPORT

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| 1. Complaint reference number | 379/08 |
| 2. Advertiser | Network Ten |
| 3. Product | Media |
| 4. Type of advertisement | Transport |
| 5. Nature of complaint | Violence Other – section 2.2
Health and safety – section 2.6
Other - Portrayal of people (occupation) |
| 6. Date of determination | Wednesday, 8 October 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features a cityscape in the background and two male police officers seemingly in pursuit. One image is of a female police officer carrying a gun. Text reads "New Australian drama. Begins September. Rush."

THE COMPLAINT

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

Maybe I am wrong, but I regarded it as ill conceived to have a police person - and especially a police woman I guess - portrayed in this fashion. Australia luckily does not have a culture of guns being carried by civilians, and although guns are carried by police personnel, they are only occasionally used, and only in extreme cases. I can't properly describe my negative reaction to the ad, but I had an immediate sense that it was wrong, and have not been able to shake that opinion. Happy to drop the complaint though, as I come from an anti-violence perspective which even my family find a little odd.

THE ADVERTISER'S RESPONSE

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

The complainant raised concerns in relation to the following provisions of the Code:

2.2 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

TEN takes great care to ensure compliance with the Code, as well as other relevant regulation.

The television program Rush is broadcast on Tuesdays at 9:30pm, and classified M in accordance with the Commercial Television Industry Code of Practice.

Rush is an action drama series set in a new critical incident response police unit. The Tactical Response team is a 24 hour mobile team responding to crisis anywhere in Melbourne within ten minutes, whether a bank robbery, a hostage situation, a sniper, a prison escapee, a suicide attempt, a missing person, a bomb threat or guarding someone under witness protection. Their brief is to strive for a fast and non-lethal resolution to the problem at hand.

The advertisement clearly promotes a fictional police action drama consistent with the above program storyline. No violence is depicted in the advertisement. While the advertisement does depict a policewoman holding a weapon, it is not aimed at another character or in a "firing" position but rather pointed toward the ground. The character is not depicted holding the gun in an aggressive or menacing manner. There are no depictions of blood or people injured by the gun. The characters represent an elite, highly-trained professional police unit. The handling of the gun is depicted in a responsible, professional manner in keeping with use by the police.

The advertisement is justifiable in the context of the program storyline about a critical incident response police unit. Guns often feature in police television dramas and promotions for such programs.

Hence, TEN submits that the advertisement complies with clause 2.2, 2.6 and all other relevant provisions of the AANA Advertiser Code of Ethics.

The outdoor advertisement is not directed primarily to Children within the meaning of 2.4 of the Code. As such, the AANA Code of Advertising To Children is not applicable. The television program itself is not intended or directed primarily to children but rather is recommended for viewing by persons aged 15 years or over.

THE DETERMINATION

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

The Board considered the application of Section 2.2, relating to violence.

The Board considered that the image of a police officer holding a gun was relevant to the product, a police drama, being advertised. The Board therefore considered the depiction was justifiable in the context of the product advertised and not in breach of Section 2.2.

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