



## **CASE REPORT**

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|-------------------------------|---------------------------------|
| 1. Complaint reference number | 394/08                          |
| 2. Advertiser                 | Target Australia Pty Ltd        |
| 3. Product                    | Retail                          |
| 4. Type of advertisement      | TV                              |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 8 October 2008       |
| 7. DETERMINATION              | Dismissed                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement shows two young girls in bed with covers up to their necks, watching a scary movie. A cackling voice over says "Scream into Target's frighteningly cheap DVD sale from tomorrow. For killer offers like these titles for \$15.99. It's so cheap - it's scary."

## **THE COMPLAINT**

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

*Children under 16 by self watching M and MA DVDs.*

## **THE ADVERTISER'S RESPONSE**

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

*We understand that the complaint relates to a television commercial for a DVD sale conducted by Target, and in particular a concern that the young girls featured in the commercial were watching M and MA rated DVD's.*

*This particular version of the television commercial was shown on national and regional television between 2nd and 13th September, 2008.*

*The DVD sale commercial has been to air on a number of occasions prior to the September promotion. The introduction and end treatment of this commercial has been created as a simple advertising set up to display the relevant product offering, eg DVD or games titles, or in the case of the previous use of this commercial, to indicate the prices from which consumers could buy DVD's during the promotion period. On each occasion, the voice over has referred to "frightenly cheap DVD sale" and "it's so cheap, its scary" as a theme for the promotion, and while these DVD promotions are not specifically aimed at children, the television commercial does feature two young girls watching television.*

*The television commercial is accompanied by music and voice over which reinforces this 'scary' theme.*

*The television commercial the subject of this complaint contains the same introduction and end footage as in previous commercials, however specific product was featured, being a number of M and MA15+ DVD's. It was not Target's intention to infer that the young girls were in fact viewing these DVD's and we apologise if, because of the music and voice over used, it lead the complainant to this conclusion.*

*Target does not believe the advertisement depicts any images that would be unduly frightening or*

*distressing to children, in any way infers that M or MA15+ DVD's are suitable for viewing by children or is in any way contrary to prevailing community standards.*

*On the basis of the above, Target does not believe the television commercial contravenes Section 2 of the AANA Advertiser Code of Ethics.*

## **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 2.6, relating to health and safety. The Board considered whether the advertisement was promoting the sale or viewing of M or MA rated DVDs by children and whether this would be a breach of prevailing community standards of health or safety. The Board considered that the advertisement did not suggest that the children were watching DVDs that had a classification that was not suitable for their age group. The Board determined that there was no breach of Section 2.6.

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