



## **CASE REPORT**

1. Complaint reference number	398/05
2. Advertiser	Bugal Pty Ltd (Mobilemojo)
3. Product	Telecommunications
4. Type of advertisement	Print
5. Nature of complaint	Discrimination or vilification Other – section 2.1 Violence Domestic violence – section 2.2
6. Date of determination	Tuesday, 14 February 2006
7. DETERMINATION	Upheld – discontinued or modified

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement shows a graphic of a hand signifying a “stop” signal with faces of two children behind it. The text reads: “*Smack the shit out of your children*” and: “*they deserve it*”.

## **THE COMPLAINT**

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

*“It discriminates against the minors by reason of age, uses excessive language in an inappropriate context and is in express violation of... the proper treatment of children and the subject of abuse of minors.”*

## **THE ADVERTISER’S RESPONSE**

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

*“Product item 4703170 is a cartoon image that we believe should not be taken seriously. Indeed, it was merely a graphic image that was perhaps an observation made by the developer. But it does not aim to make ill suggestion against the children or discriminate against their age.”*

*“We are aware that we have observed the AANA Advertiser Code of Ethics carefully, adhered to the Pacific Magazines’ advertising policy, studied the nature of the New Idea Magazine as well as its target readers, and we certainly meant no harm in our advertisement.”*

## **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 whether the violence presented and encouraged in this advertisement was justifiable in the context of the product advertised, that being mobile phone ‘wallpaper’.

The Board considered that the wording of the advertisement was violent and considered that such violence was not justifiable in the context of the product being advertised nor was it likely to be justifiable in the context of any product.

The Board upheld the complaint.