



CASE REPORT

1. Complaint reference number	41/10
2. Advertiser	Fairfax Digital (RSVP)
3. Product	Entertainment
4. Type of advertisement	TV
5. Nature of complaint	Violence Domestic violence – section 2.2
6. Date of determination	Wednesday, 10 February 2010
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a woman on her balcony, calling out for Romeo. She is standing outside at night and then the man in the apartment above calls out "shut up, its 3am in the morning you bloody idiot."

THE COMPLAINT

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

I feel he is threatening and menacing. If I was her I would be frightened. If he yelled at my daughter like that I would report him to the police.

I think it reinforces violence towards women (by speaking in a threatening manner).

He could have nicely said "come on love its 3 o'clock in the morning...time to pack it in" or something in a kindly way.

I hate it and by the way ..it's white ribbon week against violence towards women.

THE ADVERTISER'S RESPONSE

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

RSVP is a website which provides singles the opportunity to meet other singles. With over 1.5million members, it has been in business in Australia for almost 13 years.

The theme of our recent campaign focuses on the message of online dating being a viable and modern alternative for singles. To highlight this, we created a story around exaggerated and clichéd scenarios for finding true love. A series of tvcs were produced: these include Juliet calling out to a Romeo on a balcony, a male lute player serenading his love and a woman sending a love letter via a carrier pigeon.

To portray old fashioned courting methods as ineffective and to show dating today as problematic when left to chance, each story has a exaggerated and humorous take. That is our intent.

The spot in question in no way aims to be menacing or threatening especially towards our primary target women and we welcome the opportunity to justify this.

The complaint refers to Section 2.2 of the code: Violence. Domestic ViolenceViolence: Domestic Violence

The ad has an inherent humour that is more parody than real. We use exaggeration to re-engineer how people see offline daters, so they're more pre-disposed to RSVP. We ask consumers to enjoy our 21st Century Juliette's obviously ineffective method towards finding love. Everything about the ad is over the top to make RSVP's point:

- *Juliette's antiquated language*
- *The 'time-period' music*
- *The contrast between Juliette and the modern high-rise security building she lives in*
- *Her pleading to Romeo over a car-park*
- *The reaction of the irate neighbour who is angry at being woken up at 3am in the morning. Again.*

It's this last point that is really in question. But we'd ask we be judged on the entirety and intent of the whole ad, and the exaggerated method we use to communicate at every point. We are confident that we have created a campaign that makes people smile and that the tone is lighthearted enough to be non-offensive.

Of particular interest are the few ads on Australian television that use similar hyperbolic, comedy techniques that might be construed threatening or menacing. Critically each of the ads below is obviously appropriate for the audience they are they are trying to recruit, as we believe we are with RSVP.

- *James Boags: Pure water of Tasmania that makes things better. At the end of the TVC the man pushes his unsuspecting girlfriend in the lake.*
- *Hahn beer series: Men who jump on a bean-bag that makes the girl fly through the air into the pool or the Venice spot where the girl gets a live, wet fish thrown at her, the man preferring his beer.*
- *Sam Kekovic and Lamb: Sam's attitude could be construed as menacing to pretty much everybody: Male, female. Australian and beyond.*

It surprises us to think anyone is offended by a story of a love-sick woman being told off by a neighbour for yelling from her balcony at 3am. We all know how it feels to be woken up by loud neighbours.

CAD Standards and Programming:

The industry standard CAD ratings gave Romeo a P rating. This is a good assessment. This rating restricts the times we can air the ad. This is right for RSVP.

For context, Two and Half Men has PG rating – tonight's show is about 'Charlie answering phones at Alan's chiropractic office while his brother's away, and turns the place into a brothel when he hires a masseuse'. I remember Australia's favourite 'Packed to the Rafters' had a PG rating with drug use and reference warnings. We ask you to consider the complaint with regard to the CAD ratings code we adhere to, and recognize our tvc has partially restricted viewing, and sits along content that can have adult themes.

We thank you for allowing us the opportunity to respond to the complaint we received. We ask you consider our work and our response favourably.

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 the complainant's concern that the advertisement depicts violence towards women in the manner in which the man yells out to her.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code requires that violence not be used in an advertisement unless it is relevant to the product advertised.

The Board noted that the context of the advertisement is juxtaposing Shakespearean courting habits

with modern courting habits and that the gentleness of the 'Juliet' is meant to be juxtaposed with the abruptness of the neighbour as part of contrasting old fashioned ways with modern life. The Board considered that most members of the community would consider the advertisement light-hearted and funny and that the tone of the man who screams out "shut-up ..." is not suggestive of domestic violence or violence against women. The Board considered that most people would consider the neighbour's reaction to being woken at that time of the morning not inappropriate. The Board considered that this advertisement was lighthearted to mitigate any sense of violence or rage depicted by the man and was not in breach of section 2.5 of the Code.

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