



CASE REPORT

1. Complaint reference number	46/10
2. Advertiser	Super Cheap Autos
3. Product	Vehicles
4. Type of advertisement	Radio
5. Nature of complaint	Violence Other – section 2.2 Health and safety – section 2.6
6. Date of determination	Wednesday, 10 February 2010
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a group of children lining up to see Santa Clause. One child is sitting on Santa's knee and is telling Santa what he wants for Christmas. The boy is interrupted by a man who leaps over the fence around Santa, picks up the boy and hands him to the photographer. The man says: "time is up." The man then sits on Santa's knee and says what he wants from Super Cheap Auto.

THE COMPLAINT

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

Though society trying to eliminate bullying, abuse of children, etc, but this advertisement is without a doubt contrary to societies requirements and absolutely demonstrates that is acceptable for someone, especially an adult, to physically manhandle another person by shoving of a child out of the way for personal gain. If a person actually did this they would be charged with assault or some other serious charge, so why is it acceptable to visually depict these illegal activities in advertisements? This advert should be removed and action taken against those who suggested the concept, as well as those executives who approved this advertisement to go to air.

THE ADVERTISER'S RESPONSE

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

In regard to advertising complaint reference 46/10, Super Cheap Auto Pty Ltd expresses the wish to respond to the complaint raised under Section 2 of the AANA Advertiser Code of Ethics for review by the Advertising Standards Board.

Complaint Details

Description of Ad: The anti-social behaviours demonstrated:

1. Rushing in and leaping the fence exemplify a total disregard and no respect for boundaries.

2. The worst is the physically manhandling of the child and throwing him out of the way demonstrates BULLYING, e.g. maltreatment children, something that society is trying to discourage.

3. This add clearly demonstrates;

a) An absolute disregard for others and their rights. b) It is alright to exert brute force to gain an

individual personal desires over other, especially those who are not able to defend themselves or vulnerable e.g. Children.c) Adults are able to do as they desire, even the physical manhandling of a child.d) The spoken words are demanding & not a request which set a poor example to children

*Reason for Concern: Though society trying to eliminate bullying, abuse of children, etc, but this advertisement is without a doubt contrary to societies requirements and absolutely demonstrates that is acceptable for someone, especially an adult, to physically manhandle another person by shoving of a child out of the way for personal gain. If a person actually did this they would be charged with assault or some other serious charge, so why is it acceptable to visually depict these illegal activities in advertisements? This advert should be removed and action taken against those who suggested the concept, as well as those executives who approved this advertisement to go to air. The advertisement that this complaint refers to is the Supercheap Auto Christmas television commercial with a key number **SUP5277** and FACTS approval number of **GORSYROA**. A copy of this commercial has been provided electronically for reference.*

This commercial opens on a child sitting on Santa's lap in a shopping centre environment. An over-enthusiastic male comes over a small picket fence, lifts the child off Santa's lap and then sits down on his lap. The adult proceeds to enlighten Santa with his Christmas wish list (from the Supercheap Auto catalogue). A security guard then removes the adult. The child resumes his position on Santa's lap.

A number of steps were taken in the scripting and production of this commercial to eliminate any suggestion of child abuse, harm or mistreatment. These include:

1) The child is removed from Santa's lap in a gentle manner and immediately placed into the care of another adult (the photographer).2) The camera focuses back onto the child, meaning viewers can see that the child has not been hurt or injured in the scenario.3) The photographer summonses a security guard, who promptly escorts the adult from Santa's lap.4) We see the child happily resume his position on Santa's lap.

Super Cheap Auto Pty Ltd believes we have taken suitable steps to ensure that the situation depicted in this advertisement does not reflect one of child mistreatment. We also feel that through the use of quick acting, responsible, caring adults in the scene (the photographer and security guard), the situation in this commercial is at all times 'under-control'. Subsequently, we feel these steps address the complainants concerns of the situation exemplifying "a total disregard and no respect for boundaries" and "adults being able to do as they desire".

The essence of this advertisement is designed to be comical in nature, by means of an over the top portrayal of an individual (the adult male). We feel that the situation depicted can be deemed totally unrealistic when applying a reasonability test. The element of humor in this commercial is not suggested to immunise it from AANA standards, however is suggested to impact the overall impression that the advertisement would have upon a viewer.

Super Cheap Auto Pty Ltd has been running this television advertisement for two years, and this is the first formal complaint we have received. This may suggest that the wider community have viewed the commercial in the comical light it was intended.

Super Cheap Auto Pty Ltd regrets any offence taken by the complainant pertaining to this advertisement, however suggests that the advertisement is in line with the AANA code of ethics and is inline with community standards.

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 concerns that the advertisement was contrary to public policy standards on bullying and health and safety and that if a person actually did this, they would be charged with assault.

The Board noted the advertiser's response and considered whether the advertisement was in breach of section 2.2 and 2.6 of the Code.

Section 2.2 of the Code states:

"Advertising or marketing communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."

The Board noted that the advertisement depicts a man intruding on a child's experience with Santa and that the way he is depicted jumping into the fenced area was intended to show his enthusiasm about the products at Super Cheap Auto. The Board agreed that the advertisement was intended to be lighthearted and fanciful and in no way was the man shown to be aggressive towards the child. The Board considered that the child is clearly depicted being carefully taken from Santa and passed to the other man. The Board considered it unlikely that the actions in this advertisement would be viewed as violence or taken seriously by the majority of the community and that the advertisement was not in breach of section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.6. Section 2.6 of the Code states:

"Advertising or marketing communications shall not depict material contrary to prevailing community standards on health and safety."

The Board noted that the man in the advertisement picks the boy off Santa's knee and hands him to the photographer. The man says "time is over." The Board noted that if this were a real life scenario, that most people would be shocked by the man's behaviour. However, the advertisement is intended to be humorous and lighthearted and that whilst some people would consider this advertisement upsetting, that most people would understand that it was intended to portray a funny side to the man's eagerness to see Santa. The Board determined that the advertisement was not in breach of section 2.6 of the Code.

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