



CASE REPORT

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| 1. Complaint reference number | 527/06 |
| 2. Advertiser | York Motors (Mr Spanky) |
| 3. Product | Vehicles |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Other – section 2.2 |
| 6. Date of determination | Tuesday, 16 January 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a caricature of a head with a jaw moving like a ventriloquist's dummy's, announcing "Frank Agostino says 'If my people don't give you the best deal on a late model Magna, out comes Mr Spanky'". We then see a hand opening an office drawer and removing a table tennis bat containing an image of Frank Agostino's face. Details follow regarding a special deal on Magna concluding with "Now that's a Spanky deal". The scene changes to outside an office with opaque windows and sounds coming from inside as though someone is being spanked.

THE COMPLAINT

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

It implied workplace bullying and harassment to achieve sales targets.

THE ADVERTISER'S RESPONSE

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

We believe that the ad does not breach any section of the code. Rather it is a larger-than-life, humorous look at the rather daunting job of buying a car.

THE DETERMINATION

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

The Board viewed the advertisement and considered whether the advertisement breaches Section 2.2 of the Code.

The Board agreed that the depiction of violence in the advertisement was intended to be humorous. The notion of workplace harassment in the advertisement was not intended to be taken seriously hence the Board determined that the advertisement did not breach Section 2.2 of the Code.

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