



CASE REPORT

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| 1. Complaint reference number | 58/06 |
| 2. Advertiser | Harvey Fresh |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Other – section 2.2 |
| 6. Date of determination | Tuesday, 14 March 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is set in the chilled dairy section of a supermarket, where a young male employee is filling the fridges with Harvey Fresh milk. An older woman using a walking frame stands with her back to the fridge and asks the employee if they stock Harvey Fresh milk because it is 100% WA-owned and operated. The lady makes a number of other comments about the milk. The employee gives the lady a bottle of Harvey Milk and she says “Oh Thank you” and adds as she walks off “You really do need to have it where people can see it young man” then hits him with her handbag.

THE COMPLAINT

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

...the lady assaults the young man using a hand bag as a weapon.

It supports common assault.

THE ADVERTISER’S RESPONSE

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

Hopefully the hand bag “whack” is not seen as malicious or assaulting but as a light hearted reminder from our lady that this supermarket needs to look after their customers by stocking Harvey Fresh.

Our young man was always seen as reacting in a bemused way...neither offended or injured.

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 that the woman used her handbag to hit the man. The Board considered that the hitting that was portrayed in the advertisement was clearly not a hard hit. They noted that the man did not suffer any injury nor did he express any pain. The Board considered that the action of the woman in the advertisement was an example of extremely mild violence and that most people would not consider such action to be violence. The Board did not consider that this action was inappropriate or unjustified in the context of the advertisement.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.