

CASE REPORT

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| 1. Complaint reference number | 8/07 |
| 2. Advertiser | Commonwealth Bank of Australia (hammer) |
| 3. Product | Finance/Investment |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Discrimination or vilification Race – section 2.1
Violence Other – section 2.2 |
| 6. Date of determination | Tuesday, 13 February 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement portrays a pregnant woman carrying a large shopping bag precariously walking down the aisle of a moving bus and seeing no seats available. She stands alongside a seated young man who is wearing headphones and playing a computer game, oblivious to her presence. The woman emphasises her condition by positioning her stomach in front of his face, but after a quick glance, the man returns his attention to the game. The woman then removes an inflated toy hammer from her bag and proceeds to hit the young man over the head repeatedly until he is beaten out of the seat and she sits down smiling. A male voiceover asks "Where have all the people who'd offer their seat on a bus gone? They're working for us". The pregnant woman is then seen entering a bank greeted by a smiling employee who offers her a chair. The voiceover resumes "The Commonwealth Bank has employed hundreds of extra customer service staff - and we're adding more every day".

THE COMPLAINT

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

This series of advertising is trying to normalise violence in our community. It seems to promote the clear message that it is fine and acceptable for women to hit men.

I found the ad to be sexist, racist and promoting violence. I found the ad offensive also because it seemed racist. It showed an example of a polite bank employee who just happened to be a male of Asian descent. I inferred from this that the intention of the ad was to say that all Europeans are rude and that the bank employs Asians because they are more polite than Europeans.

I simply make the point that if it were a man hitting a woman over the head "full stop", I think many people would find the ad offensive. Why is it OK to portray men being struck by a woman or man.

I find the ad offensive because it portrays violence not justifiable in the context of the service advertised.

It condones violence towards men by women and that it is OK to be violent toward men as long as you can justify the action.

It portrays assault by females on male as being accepted.

Violence in all situations is abhorrent.

THE ADVERTISER'S RESPONSE

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

It is obvious that the inflatable hammer does not inflict violence or injury on the young man. The inflatable hammer is not fully inflated. It is limp, and bends when it is used. The young man is made to feel uncomfortable rather than injured. He is able to rise from his seat and stand in the aisle of the bus without any disability.

In developing this work, careful consideration was given to determine the type of hammer used. We erred on the side of caution and opted for what is evidently a young child's toy, and as such not capable of inflicting violence or causing harm.

Discrimination means to make or draw a distinction in favour of, or against, a person, or type of person. Whilst the advertisement depicts the young man as inconsiderate, the advertisement does not draw distinctions between inconsiderate seated passengers who are young men and inconsiderate seated passengers who are not young men. The advertisement does not state or imply that all young men, as opposed to other types of people, are inconsiderate. Similarly, the pregnant woman is depicted as a person in need of a seat on a bus. This person could have been a person other than a pregnant woman and still in need of a seat on a bus, such as an elderly or disabled person. As pointed out earlier, the pregnant woman's conduct is not violent.

It is also worth adding that vilify means to speak evil of a person, or to make vile. The advertisement is light hearted and does not speak evil of any person or portray any person as vile or evil.

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 it breached Section 2.2 of the Code dealing with violence.

The Board considered the image of the woman hitting the seated man with the blow-up toy. The Board took the view that since the blow-up toy could not inflict physical harm, and that there was no depiction of inflicting any harm, or of the man suffering anything other than embarrassment, the actions of the woman were not violent. The Board also agreed that the humorous nature of the incident detracted from any notion of true violence in the advertisement.

The Board then considered whether the advertisement breached Section 2.1 of the code dealing with discrimination and vilification.

The Board could find no evidence of discrimination or vilification of any section of the community in the advertisement.

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