



CASE REPORT

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| 1. Complaint reference number | 90/09 |
| 2. Advertiser | Zig Zag Advertising |
| 3. Product | Winning Bid Online Auctions |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Violence Domestic violence – section 2.2 |
| 6. Date of determination | Wednesday, 8 April 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

Television advertisement begins with man sitting in front of television with video game controller in his hands. Female enters the room. With an accent she says “You’ve been lying to me.”

She asks man “You expect me to believe you paid only 16 cents for this?”. Woman then places iPhone in blender and turns the blender on. As they walk into another room, woman says “are you telling me that you paid 42 cents for this?” as she picks up game console and is then shown to throw the console out onto the street. Console is seen to smash into a number of pieces on the road.

Final scene shows man standing in front of a flat screen TV. The woman, with a chainsaw in her hand says “And the Plasma TV, did you pay 58 cents for it?” Woman then starts the chainsaw and is shown to walk toward the TV. The image then shows a TV being cut from top down, using a chainsaw. Sparks and flashes are visible, accompanied by the sound of breaking glass.

Final commentary is “Winning Bids, where little bids buy big”.

THE COMPLAINT

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

I am writing about an ad on Channel 9 regional Qld. “Winning Bids”. It shows a woman accusing “husband” of being a liar. Then starts wrecking the objects he has bought. To me & my husband & others I have spoken to, also feel nauseated when it comes on. We all feel it bad taste. 1. Giving destruction of property. We feel children watching this, think it is the correct way to behave. 2. TV is using senses, sight & hearing, very inappropriate when young ones copy what is viewed its conducive to bad behavior and crime.

If a man were to react in the way that the woman on the ad does, he'd probably end up with a domestic violence order, I feel it is hypocritical that a woman should be able to behave in such a way as it could influence young women into thinking that kind of behaviour is acceptable.

THE ADVERTISER’S RESPONSE

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

After reading the Code of Ethics again, it is Zigzag Advertising's position that:

- 1. the TVC is not intended to offend nor do we believe the TVC encourages violence.*
- 2. the TVC is a quirky and humorous commercial designed to make viewers chuckle and notice the Winning Bid Product.*

3. the TVC has been reviewed and approved by Commercials Advice Pty Ltd (CAD)as provided to you on a earlier email.

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 is violent and depicts behaviour that is inappropriate for children to see.

The Board considered whether the advertisement depicted violence and if so whether such violence was 'justifiable in the context of the product or service advertised' in accordance with section 2.2 of the Code.

The Board considered that the actions of the woman throwing large objects and using a chainsaw on the television were depictions of violence. While some members of the Board considered that the violence was exaggerated and over-the-top, the majority of the Board considered that the violence was not justified by the product and did breach section 2.2 of the Code.

The Board also considered whether the action of taking a chainsaw to the television was a depiction of material that is 'contrary to prevailing community standards on health and safety.' under section 2.6 of the Code. Some members of the Board considered that this action was fantasy and not likely to be any encouragement or endorsement of the activity by the community. However the majority of the Board considered that the depiction of a person chainsawing a television or electrical product is a depiction of an activity that is contrary to community standards on public safety. The Board determined that the advertisement breached section 2.6 of the Code.

The Board also considered the representation of the woman in the advertisement and noted that she is depicted with a heavy accent, loud, abusive and untrustworthy and as violent. The Board considered that the depiction of the woman (referred to by the advertiser as 'latino') was vilifying of women of european descent and that this depiction was in breach of section 2.1 of the Code.

Finding that the advertisement breached sections 2.1, 2.2 and 2.6 of the Code, the Board upheld the complaints.

ADVERTISERS'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

I am writing to advise that the TVC in question has been discontinued and will no longer be aired in Australia.