



## CASE REPORT

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| 1. Complaint reference number | 99/08                                    |
| 2. Advertiser                 | Telstra Corporation Ltd (Bigpond Movies) |
| 3. Product                    | Telecommunications                       |
| 4. Type of advertisement      | TV                                       |
| 5. Nature of complaint        | Violence Other – section 2.2             |
| 6. Date of determination      | Wednesday, 9 April 2008                  |
| 7. DETERMINATION              | Dismissed                                |

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on three gangster-like men dressed in black suits and sunglasses in a suburban lounge room, where they are threatening each other with guns and shouting at each other to put their guns down. Into the scene walks the woman of the house and in response to her questioning look one of the men replies "Oh, hi we're the DVDs you ordered." One gangster asks the woman "Hey lady, can you tell these guys this is not the Tarrantino film, it's The Blues Brothers." A second gangster shocked, asks "The Blues Bothers???" and the third says "Wait a minute...I thought this was Men In Black?" A dog dressed in evening wear, reminiscent of that appearing in the Men In Black movie asks "What? Isn't it?" The gangsters put their guns away, but as the husband arrives home, dressed similarly in a black suit, the gangsters immediately raise their guns again sensing a rival, and sending the husband into shock. A male voiceover announces "Come home to a movie. Bigpond Movies. Deleivered to your door. No late fees."

## THE COMPLAINT

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

*Firstly, it is wrong to promote the use of guns when they are banned from use in general society. This contravenes the Ethics standards of advertising as it clearly promotes violence. Secondly, the ad was aired in prime family viewing time and is definitely not suitable for family viewing.*

## THE ADVERTISER'S RESPONSE

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

*BigPond has reviewed the complaint and its "BigPond DVDs" advertisement. BigPond does not consider that the advertisement contravenes the AANA Advertiser Code of Ethics.*

*The advertisement depicts a situation where there are 3 men all dressed in black suits, they are different characters representing 3 different movies. They refer to themselves as "the DVDs you ordered" – this is clearly a "make believe" scenario, only emphasised by the fact that even the dog talks (the dog being from the Men in Black movie). They are pointing guns at each other, a classic movie thriller scene, as they all have guns in the movies they appear in.*

*The idea of the ad is to communicate that with BigPond Movies you get DVDs delivered directly to your home, this is represented in a tongue in cheek manner with the characters literally in the house, the strap line being "come home to a movie".*

*BigPond supports responsible advertising and is in no way promoting unsafe practises or violence. The TVC has been given all the necessary approvals to be aired in the current*

*programming.*

## **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 concerns of the complainants about the depiction of violence and reviewed the advertisement under Section 2.2 of the Code which states:

*Advertisements shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

The Board viewed the television advertisement and noted that it was a spoof of many recent action movies. The Board considered that although the characters had guns there was not any violence portrayed in the commercial, rather it was a satirical portrayal where the gun was a prop.

The Board further noted that the couple are surprised rather than frightened by the scene in their lounge room, a mood which is further highlighted by the talking dog.

The Board considered that the use of guns was justifiable in the context of the product being advertised and that it could not be viewed as a portrayal of violence. The Board found the commercial therefore was not in breach of Section 2.2 of the Code.

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