

Case Report

1. Case Number :	0141-24
2. Advertiser :	Foxtel
3. Product :	Entertainment
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Decision:	5-Jun-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement featured a video promoting an 80s themed on-site fan event during the 2024 NRL Magic Round. The advertising used two characters based on the Reg Reagon character, who were played by former rugby players known for their comical 'Fetch & Hindy' segments, encouraging people to come to the event dressed up as Reg Reagan.

The characters are seen drinking and smoking cigarettes.



THE COMPLAINT

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

The messaging is poor. It endorses drinking to excess, smoking, gambling, outdated alpha male behaviour, and as the presenters say 'rooting and fighting.' It is disgusting, especially in the current climate in relation to domestic violence.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Section 2.6 of the AANA Code of Ethics ("the Code") states that "Advertising shall not depict material contrary to Prevailing Community Standards on health and safety." "Prevailing Community Standards" means the community standards determined by the Ad Standards Community Panel as those prevailing at the relevant time in relation to Advertising. The accompanying Practice Notes further elaborate that "advertising must not depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards. The Practice Notes then focus more on unsafe practices, bullying and unrealistic ideal body images, etc. but do not specifically address consumption of alcohol and smoking. Nevertheless, Ad Standards states on its website that drug and alcohol consumption as well as smoking are issues covered under Section 2.6 of the Code.

The objective of the advertisement was to raise awareness of an on-site fan event ("Event") at Caxton Hotel in Brisbane during the NRL Magic Round. The Caxton Hotel is in close vicinity to Suncorp Stadium where all Magic Round matches were being played. The Event was 80s themed and people were encouraged to come to the Event dressed up as the satiric Reg Reagan, a character portrayed by the host of the Fox League show, 'The Matty Johns Show', Matthew Johns. As part of their attendance, guests were to be part of live crosses throughout the afternoon to demonstrate atmosphere at Magic Round.

The fictional character Reg Reagan is portrayed as a loud, obnoxious, and passionate fan from the 80s and has become a cult hero amongst rugby league fans, in particular viewers of The Matty Johns Show on Fox League. In line with the theme of the Event, the two characters in the advertisement, Brad and Gary, are imitating the Reg Reagan character with his famous look and also display his the iconic overexaggerated idiotic behaviour.

As one of the most popular shows on Fox League, Fox League viewers, to whom the advertisement was shown, would be very familiar with the genre and satirical nature of the Reg Reagan character.

In addition, the characters in the advertisement are played by Byran Fletcher and Nathan Hindmarsh, two former rugby league players who are well known for their hilarious larrikin segment 'Fletch & Hindy' on The Matty Johns Show. For several years, 'Fletch & Hindy' has also been synonymous with satirical comedy and their segments often explore a range of NRL and non-NRL related topics with the objective to make viewers laugh through over exaggeration beyond belief and humour. As previously mentioned, Fox League viewers, to whom the advertisement was shown, would therefore be aware that the advertising is satirical and not in any way endorsing the behaviour displayed.

Even if a viewer is not familiar with 'Fletch & Hindy' or the Reg Reagan character, the context in which the advertisement is filmed is clearly set in a different time period, that being the 80's, based on slang and language being used, clothing and hairstyles of the characters, reference to '80s hardman Reg Reagan' and smoking in a pub which is no longer legal today. In addition, the behaviour displayed is so over the top, e.g. drinking the beer in a way that it runs all over the shirt, and uses confusing words, that it leaves no doubt in the ordinary viewer that it is a sarcastic comedy sketch making fun of 80s pub behaviour and is in no way intended to endorse the behaviour displayed. Furthermore, there is a direct call out in the advertising to come to The Caxton dressed up as Reg Reagan which also clearly indicates that this is comedic and not to be taken seriously.

For the above reasons, and while we do not negate that drinking and smoking is shown in the advertising, we submit that the advertising does not encourage, endorse nor condone unhealthy or unsafe behaviour as it is clearly recognisable as satire ridiculing pub behaviour in the 80s and, accordingly, that there is no breach of Section 2.6 of the Code. We also submit that the advertisement does not breach any other aspects of the Code and that the complaint should be dismissed. Foxtel Group takes the complaint very seriously and regrets any offence caused to the complainant(s) or to anyone else. We also note that the advertisement has been discontinued as the advertised Event already took place.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts drinking, smoking and gambling.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel acknowledged that the depiction of smoking is against community health messaging. The Panel considered that the general community would consider smoking to be unhealthy.

However, the Panel noted that the cigarettes in the advertisement did not appear to be lit and they were used as costume accessories to portray well-known Australian 80s characters. The Panel considered that the advertisement portrayed a skit-like scenario with larrikin characters embodying an 80s theme.

The Panel considered that the characters, portrayed by former rugby players known for their comedic 'Fetch and Hindy' segments, are portrayed in an exaggerated and satirical way.

The Panel considered that the behaviour shown, including drinking and holding cigarettes, was clearly representative of the 1980s, and the advertisement does not suggest that such behaviour is appropriate today.

Overall, the Panel considered that the advertisement does not promote or condone the behaviour depicted in the advertisement and did not contravene prevailing community standards on health and safety.

Section 2.6 conclusion

The Panel found that the advertisement did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.