



**ADVERTISING
STANDARDS
BOARD**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph: (02) 6173 1500 | Fax: (02) 6262 9833
www.adstandards.com.au

ACN 084 452 666

Case Report

1	Case Number	0540/14
2	Advertiser	Specsavers Pty Ltd
3	Product	Professional Service
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	10/12/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Cruelty to animals

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows two Beach Volleyball teams playing a match. One player is staring into the sun and he doesn't see that the other player hasn't served the ball yet. Leaping up and thinking that he has spiked the ball, we then see that he has spiked a Seagull flying past accidentally mistaking this for the ball due to his poor eyesight. The player then celebrates his mistaken victory by running around the court in joy. The seagull shakes himself off and then flies over the man and pooping on his shoulder.

THE COMPLAINT

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

*Selling a health product with such a violent and abusive manner is disturbing.
I have seen this ad on other channels and I do not think it is suitable for either children or adults as it is a grotesque manipulation of the thought process.
Use of live bird to being hit in mistake for the ball. Signifies cruelty to animals is alright.*

THE ADVERTISER'S RESPONSE

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

The TV advertisement in question is one in a series of the long running “Should Have Gone To Specsavers” TV campaign. The campaign encourages people to have their eyes tested in a light hearted way and uses humour to point out the silly things that people do when they can’t see clearly. In the particular commercial in question our intention is to draw attention to the poor eyesight of the beach volleyball player in a light hearted way and definitely not to promote violence and cruelty against animals. The volleyball player has not been portrayed as being violent against the seagull but rather has mistaken it for the ball due to his poor eyesight. The joke is very much on the volleyball player and the ad is designed for the audience to laugh along at the mistake the volleyball player has made. No real birds were ever used in the making of the TV commercial, it was all created using CGI animation.

Section 2.1 of the Code states that “Advertising or Marketing Communications shall not, portray people or depict material in a way which , discriminates against or vilifies a person or section of, the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental , illness or political belief” We don’t believe there is any discrimination depicted in the commercial we therefore believe that the advertisement complies with the code in relation to Section 2.1

Section 2.2 of the Code states that “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people. “

We don’t believe there is any sexual appeal in the commercial we therefore believe that the advertisement complies with the code in relation to Section 2.2

Section 2.3 of the Code states that “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised. “

We do not believe that the advertisement presents or portrays violence or cruelty towards animals. We are by no means advocating violence against animals in this commercial. The clear intent of the commercial is to demonstrate the effects of poor eyesight in a fun and humorous manner, in this case, the volleyball player. The volleyball player has not been portrayed as being violent against the seagull, but rather has mistaken it for the ball due to his bad eye sight. The seagull is shown to be ok when we see him get back up and shake himself off on the sand. We deliberately included this into the TVC to show that the seagull was unharmed with no danger to his wellbeing. Also at the end of the TVC to show the seagull getting his ‘revenge’ on the volleyball player we see him fly over and poop on the player's shoulder demonstrating advocacy for the seagull throughout the commercial. We also believe that due to the far-fetched nature of the gag in the commercial children will not be influenced to mimic the volleyball player. Therefore believe that the advertisement complies with the code in relation to Section 2.3

Section 2.4 of the code states that “ Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”

We do not believe there is any sex, sexuality and nudity in the commercial we therefore believe that the advertisement complies with the code in relation to Section 2.4

Section 2.5 of the Code states that “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

We do not believe there is inappropriate language in the commercial we therefore believe that the advertisement complies with the code in relation to Section 2.5

Section 2.6 of the Code of Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

We do not believe the commercial depicts material contrary to Prevailing Community Standards on health and safety we therefore believe that the advertisement complies with the code in relation to Section 2.6

Placement and duration of the commercial The commercial is scheduled to run for two weeks. This commenced on Sunday November 30th 2014 on major TV networks and their affiliate stations. Also a small amount of media has been purchase on PTV. The ad will cease playing on Saturday 13th December for this burst of activity.

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 complainants’ concerns that the advertisement depicts a man hitting a seagull instead of a volleyball and that this is cruelty to animals.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that the advertisement features a group of young adults playing beach volleyball and one of the male players mistakes a seagull for the ball. The Board noted it had also considered this advertisement under the medium of TV in case 0534/14 where: “The Board noted the complainants’ concerns that that hitting a seagull is a depiction of animal cruelty. The Board noted that the man does appear to hit the seagull hard but considered that most members of the community would recognise that it was a CGI creation and not a real bird. The Board considered that the bird does not appear to be harmed by the man’s actions as it shakes itself off and then gets its revenge by pooping on his shoulder. The Board noted that the theme of the advertisement is in keeping with this advertiser’s previous advertisements where it shows people making errors because they are not wearing the appropriate visual aids and considered that in this instance the focus on a man mistaking a bird for a ball is unlikely to be considered to condone or encourage violence against seagulls or any other animal by most members of the community.” Consistent with its previous determination the Board considered that the advertisement does not depict, encourage or condone violence against animals. The Board determined that the advertisement did not breach Section 2.3 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

