



Case Report

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| 1 | Case Number | 0011/16 |
| 2 | Advertiser | Optus Communications |
| 3 | Product | Entertainment |
| 4 | Type of Advertisement / media | Internet - Social |
| 5 | Date of Determination | 10/02/2016 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This advertisement, which was viewed on Facebook, features three girls sitting on beach chairs sipping some drinks. One of the girls (Sarah) is describing her new boyfriend who is an accomplished surgeon, can speak five languages etc. The other girls ask her 'what's the catch?' She replies 'There's no catch.' One of the other characters (Greta) then starts to talk about how she does not need a boyfriend because she has just bought a massive TV. Sarah then yells out 'Size does not matter'. The advertisement closes with the words 'Cos size does matter. Watch Netflix on the big screen with Optus TV with Fetch'.

THE COMPLAINT

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

The advertisement is clearly referring to the size of a male person's genitalia. The advertisement devalues the career and achievements of a person and reduces their only worth as a partner to the size of their penis.

The ad implies that even if you went to medical school, studied for 10+ years, learnt five languages (he's probably in doctors without borders too) he's not a worthy partner because he has a small (or not a large) penis. It implies the only use of a man is his genitalia.

It completely sexualises the male body and devalues men and their achievements and worth as people.

This would be COMPLETELY UNACCEPTABLE were it a bunch of men talking about a

woman's small breasts, or big bum, or any other body part. The rules must be applied evenhandedly.

THE ADVERTISER'S RESPONSE

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

With respect to the one complaint receive Optus respectfully does not agree that the advertisement devalues men and their achievements or worth as people. As stated the advertisement on face value is a conversation above the size of a TV screen and such a conversation can in no way sexualize men or devalue their opinion.

If you take the view as the complainant has that the women are speaking about the size of her boyfriend's genitalia we note that she yells "SIZE DOESN'T MATTER" not as the complainant suggests "SIZE DOES MATTER" hence the women is actually REFUSING to sexualize her boyfriend and assertively suggests that size does not matter.

Optus has published a variety of advertisements made specifically to relate to the quirky internet culture. We have found this to be the most effective way for us to drive engagement and conversion in social channels. Optus has seen this approach have great cut through over the last 6 months, delivering increased brand recall, driving active consideration and increased conversion efficiency.

The fact that there has been only one complaint we believe reflects that the advertisement is in line with prevailing community standards and does no sexually discriminate or objectify men.

Below we go through Section 2

2.1 - Discrimination or Vilification Gender

The reference in the ad does not directly reference male body parts, and the ad leaves the question of what is meant by "size does matter" open to the audience's interpretation, on the face of the advertisement we are talking about the size of TV's. Optus does not believe that the advertisement or the specific line "size does matter" line could incites hatred of men or treats men in a discriminatory fashion. Instead we believe the advertisement plays on findings in our research that suggests people prefer to watch content/TV on big screens (ie TV screen, rather than iPads etc).

2.2 - Exploitative and degrading

The reference to "size does matter" is a play on words to indicate that the size of the screen does matter, based on actual research. It is done in a comedic tone, and not meant in any way to offend any gender, or objectify men in any manner.

2.3 – Violence

There is no reference to violence.

2.4 - Sex/sexuality/nudity S/S/N - general

We strongly believe our ad is in line with prevailing community standards. It is intended to be humorous and tongue in cheek, and is being well received in terms of online sentiment. The reference to size within the ad is not explicit to any characteristic of the boyfriend, rather on the face of it the ladies are talking about the size of the screen. Optus understands that there is a possible double meaning but we strongly believe it is completely in line with prevailing community standards. The advertisement is also digitally targeted at audiences older than 18, so children would not see the ad.

2.5 – Language

There is no reference to offence language

2.6 – Health and Safety

There are no references in this ad that reflect any issues around Health and Safety

In conclusion Optus does not believe that the advertisement does nothing to undermine men and their achievements or worth as people. As stated the advertisement on face value is a conversation about the size of a TV screen and such a conversation can in no way sexualize men or devalue their opinion.

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 makes reference to the size of a man’s genitals which is demeaning to men and sexualises them.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted this internet advertisement features women talking about boyfriends with one woman declaring she does not need a boyfriend because she has a massive TV to which her friend replies, “Size does not matter”.

The Board noted the complainant’s concern that the reference to size is intended to reflect the size of one of the women’s boyfriend’s penis.

The Board noted that the reference to size is made after a woman talks about her massive television and considered that as the women had just been discussing one of their boyfriend's, this reference to size could be interpreted as an innuendo to either the man's height or his penis size. The Board noted that even if you interpreted this comment as being a reference to a man's height or penis size, and not about the size of a television, the object of the innuendo is not portrayed. The Board noted that this innuendo is common in the Australian community and is used for a light-hearted reference in many contexts and considered that the overall impact is not vilifying of men. The Board noted that the phrase used is "size does not matter" and considered that it is not a derogatory or negative comment as it implies that size is not important.

The Board noted the overall tone of the advertisement and considered that in the context of a light-hearted chat between three women with no man visible, the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainant's concern that the advertisement sexualises men. The Board noted that the comment about size is made in relation to a comment about a massive television and considered that the other interpretations of the reference to size could be that it is directed at a man's height or penis size. The Board noted that there are no men in the advertisement and considered that it is open to interpretation as to whom or what the comment about size is directed at. The Board noted that the innuendo is mild and considered that it would be unlikely to be understood by children and would not, in the Board's view, be considered an overly sexual phrase by most members of the community. The Board noted that the advertised product is an encouragement to use Optus to watch Netflix on the 'big screen' and considered that a reference to size in this context is not inappropriate. The Board considered that overall the advertisement did not sexualise men and did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

