



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0015/14
2	Advertiser	Expedia
3	Product	Travel
4	Type of Advertisement / media	Internet
5	Date of Determination	29/01/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

A male voiceover talks to a miniature zen garden which is unattended in an empty office cubicle and comments on how the garden isn't feeling so 'zen' today as it hasn't been raked in weeks. The voiceover then continues to say that the owner of the garden, Barbara, is cheating on the garden with Mount Fuji in Japan and calls her a 'harlot'. The final line is: "Get more holiday with Expedia's biggest ever sale".

THE COMPLAINT

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

I do not understand why they have to refer to Barbara in this way? Why call her a Harlot because she is on a holiday. Bad advertising

THE ADVERTISER'S RESPONSE

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

We refer to your letters regarding complaints received by your office in connection with the Biggest Ever Sale advertisement encompassing the neglected stationery theme, specifically, the 30 second neglected Zen garden television advertisement ("Advertisement").

Expedia, Inc and its subsidiaries (including Expedia Australia Pty Limited) (“Expedia”) take their responsibility as an advertiser very seriously and makes extensive efforts to understand and appropriately cater to community concerns and issues, including by having in place our own stringent internal review and approval process.

Expedia wishes to assure the Advertising Standards Bureau (“ASB”) that it does not in any way encourage discrimination or vilification of any kind, or use of strong or obscene language. We are conscious at all times of ensuring that our work and advertising practices afford respect to all sections of the community.

Accordingly, we respectfully disagree with the characterisation of the Advertisement as:

(a) portraying women in a way which discriminates against or vilifies women on account of gender; and/or.

(b) using strong or obscene language.

We have carefully considered the AANA Code of Ethics (“AANA Code”) and assessed its provisions against the content of the Advertisement. We submit that the Advertisement does not breach the AANA Code on any of the grounds set out in the AANA Code.

The Advertisement - Theme of the Advertisement

The Advertisement is one in a series of television advertisements that promote Expedia’s annual Summer Sale. The annual Summer Sale is the largest sale campaign conducted by Expedia each year, with this year’s Summer Sale representing the biggest ever sale undertaken by Expedia in the Australian market to date.

A core theme the Advertisement seeks to promote is the idea of abandoning one’s workplace, and the neglected feelings portrayed by the associated abandoned stationery, as its owner holidays in a more exciting destination. In the Advertisement, the audience is given an “insight” into the negative feelings of Barbara’s miniature Zen garden, as Barbara has abandoned it for Mt Fuji in Japan.

Barbara is a fictitious character and is not shown in the Advertisement. The only image shown for the duration of the Advertisement is the miniature Zen garden which sits in a dimly-lit office cubicle. The Advertisement is clearly imaginary and tongue-in-cheek, as it portrays a talking Zen garden. The thoughts of the Zen garden increase in cynicism towards Barbara, its neglectful owner, culminating in the Zen garden stating that Barbara is a, “harlot”. Concerns have been raised in connection with the use of that term. We note that the word “harlot” is not generally considered an expletive.

While the term “harlot” arises from Old French and was used in the context of vagabonds, Expedia acknowledges that it is also used to refer to a promiscuous woman. However, in this Advertisement, the word is not used in a sexual context. Rather, the use of the word “harlot” is suggestive of Barbara’s indiscriminate or casual approach to the mentioned Japanese icons (i.e. abandoning the Zen garden for Mt Fuji) and is used to capture the tone and theme of the campaign. We do not therefore agree that the use of the term is discriminatory against women.

Contrary to any suggestion by the complainants, the word “harlot” is not used in a sexual or degrading manner and does not in any way imply that the fictitious Barbara is sexually promiscuous. We do not consider that the language used is obscene or strong. The word is merely used to reinforce the bitterness of the abandoned miniature Zen garden.

We consider that many people would identify with the humorous and light-hearted imaginary sentiments of the abandoned miniature Zen garden. We consider further that by virtue of its light-hearted and amusing nature, the Advertisement is not denigrating or negative towards Barbara, women generally, or anyone else.

In relation to the additional claim that the Advertisement breaches section 2.4 of the AANA Code of Ethics, we have reviewed the Advertisement in the context of that section and confirm that we disagree with the claim. In this regard, the Advertisement does not contain any sexually explicit imagery or language. In particular, neither the words “raking” nor “harlot” are used in a sexual context or with any innuendo.

Given the nature of the Advertisement as described above, we therefore strongly refute any suggestion that the Advertisement breaches the AANA Code, or that it in any way offends against prevailing community standards (the relevant measure under the AANA Code).

While we apologise for any offence which may have been caused to the complainants, on this occasion we believe that the Advertisement is consistent with the AANA Code and with the prevailing community standards.

We further note that the Advertisement is no longer being aired on television.

We thank the Advertising Standards Bureau for bringing this matter to our attention and if we can provide any further information regarding the Advertisement please do not hesitate to contact us.

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 refers to a woman as a harlot which is not appropriate.

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 that the advertisement refers to a woman called Barbara as a harlot because she has gone on holiday and left her mini Zen garden unattended in her office. The Board noted that the advertisement had been viewed on YouTube.

The Board noted that the Macquarie dictionary's definition of harlot is, "a promiscuous woman; a female prostitute."

The Board noted that in this instance the reference to harlot is made in the context of a woman who has gone on holiday and that we do not see this woman or what she is doing whilst on holiday. The Board considered that this lack of visual image of the woman being talked about results in an overall impersonalised reference to a woman which is not discriminatory or vilifying.

The Board noted that the context of the advertisement is a talking Zen garden complaining about being neglected. The Board considered that this is clearly seen in the advertisement as a humorous and unrealistic situation and gives a humorous context to all of the comments made.

The Board considered that the advertisement did not portray or depict material in a way which discriminates or vilifies a person or section of the community.

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

The Board 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 that there is a reference towards the beginning of the advertisement to being 'raked'. The Board noted that the voiceover is describing the Zen garden not having been raked due to its owner being on holiday and considered that the reference to raking in this context is not sexual and is not suggestive of sexual violence.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided".

The Board noted that the word 'harlot' is an out-dated word which is not part of the common Australian vernacular and considered that its usage in the advertisement is more of a reflection of the old-fashioned tone of the male voiceover rather than a suggestion that the

unseen female is actually a prostitute.

The Board considered that the advertisement did not use language which is strong or obscene or inappropriate in the circumstances.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

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