



ADVERTISING  
STANDARDS  
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612  
Ph (02) 6173 1500 | Fax (02) 6262 9833  
[www.adstandards.com.au](http://www.adstandards.com.au)  
ACN 084 452 666

## Case Report

1	Case Number	0024/14
2	Advertiser	D S Family Law
3	Product	Professional Service
4	Type of Advertisement / media	Radio
5	Date of Determination	26/02/2014
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

Two males talking. One asks the other about how his separation is going. The other responds by saying his partner hasn't let him see his children for three weeks and she wants the house he inherited from his parents and his superannuation. It then says that DS Family Law consults in Geraldton and provides contact details.

### THE COMPLAINT

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

*I believe the ad relies on negative cliches of wives taking their husbands to the cleaners during divorce. It is sexist and derogatory towards women.*

### THE ADVERTISER'S RESPONSE

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

*The complaint is that the ad relies on negative cliches of wives taking their husbands to the cleaners during divorce. It is sexist and derogatory towards women.*

*Upon review of Section 2 of the Code it would appear the only relevant subsection is 2.1 which provides that "advertising or marketing communications shall not portray or depict material in a way which discriminates against or vilifies a person or section of the*

*community on account of...gender".*

*This is the one and only complaint that has been received within the approximate 5 year period during which this ad or variations of it have been running.*

*The advert reflects the reality of every day situations and experiences of clients with whom we deal and which commonly prevail by virtue of the nature of family law disputes. It is not directed towards any particular gender but depicts a fictitious, isolated incident which many of our clients experience in reality.*

*A corresponding advert in the same geographical location also airs, to the effect of a woman speaking about her desire to relocate with her children to Perth and being prevented from doing so by her male, ex-partner. Again, this is a situation which frequently arises in day to day practice and reflects the reality in the vast majority of cases, ie, it is the mother who usually wants to relocate with her children.*

*Accordingly, the frustrations and desires of both mothers/fathers/wives/husbands are equally represented in our adverts which ordinarily are broadcast in tandem and in roughly similar proportions. Our services are therefore not directed toward a particular gender but simply seek to highlight the common problems experienced by both genders in the context of family law disputes and relationship breakdown.*

*We do consider that the adverts suggest "all women/men do this" but in the context of our industry these adverts are representative of the most common concerns which our clients convey to us. The intention of the adverts is to strike a chord with those in our target market ie, "hey, I'm going through that too!" and acts as a "call to action" to obtain appropriate advice relevant to their specific situation. As our clients generally consist of both genders embroiled in an adversarial situation, the adverts must of necessity be couched in terms which reflect their concerns which are often by their very nature, gender specific.*

*In light of the above, we respectfully disagree with the consumers view that our advert negatively portrays wives and is sexist and derogatory towards women.*

## **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 presents a negative cliché of women's behaviour toward men during divorce settlements and that this is sexist and derogatory.

The Board reviewed 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 radio advertisement features two males having a conversation. The first asks the other about how his separation is going. He responds by saying his partner hasn't let him see his children for three weeks and she wants the house he inherited from his parents and his superannuation. The voiceover then provides details of the business - DS Family Law and provides contact details.

The Board noted that the advertisement is for a firm of family law solicitors. The Board considered that the advertisement depicts a scenario in which the father describes some of the issues arising in his divorce. The Board considered that the issue raised is likely to be an issue that is faced as part of divorce settlements.

The Board considered that there is no suggestion that all women behave in the way that the advertisements suggests the man's wife is behaving.

The Board considered that while the advertisement suggests an unpleasant scenario, the scenario is relevant to the service being advertised and, in the Board's view, the advertisement does not suggest that all women will make the demands suggested in this advertisement.

The Board considered that the scenario presented does not discriminate against women. Based on the above the Board considered that the advertisement did not depict any material that discriminated against or vilified any person or section of society and determined that the advertisement did not breach Section 2.1 of the Code.

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