



Case Report

1	Case Number	0058/15
2	Advertiser	St. George Scrap Metal
3	Product	Hardware/Machinery
4	Type of Advertisement / media	Billboard
5	Date of Determination	11/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

This billboard image is a parody of the advertising material for the movie Brokeback Mountain. It features two men (one behind the other with his arm wrapped around the man in front's upper chest) wearing cowboy hats and a mountain range in the background. The text reads, "Our service is straight up. Brokescrap Mountain".

THE COMPLAINT

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

This advertisement implies that Brokeback Mountain is gay (alluding to the film) and suggests that their service is "straight up", implying that being 'gay' is bad. I find this incredibly offensive and homophobic.

THE ADVERTISER'S RESPONSE

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

Response to first reason of concern "This advertisement implies Brokeback Mountain is gay (alluding to the film)"

This reason for concern caught us off guard in the fact that we were sure/assumed that the

general consensus with the majority of people who know of the film, irrespective of whether or not they have seen the film think it is a movie about 2 homosexual men, on a mountain? ... so we did some digging and the answers we found surprised us:

The author of Brokeback Mountain, Annie Proulx has said of the story "It's about homophobia; it's about a social situation; it's about a place and a particular mindset and morality"

So maybe the movie is 'gay' or about a gay topic?

If you (the complainant) did any research before making assumptions, you would come to St George Metal Recovery and see that the people on the Billboard are the people who own and run the business. If you spent a week here, you would see that people involved in the scrap metal industry aren't limited to whom you think they are which brings us to the next 'reason for concern'.

Response to the second reason of concern "suggests that their service is "straight up","

We have a large multi-cultural, professional, homosexual, straight, atheist, religious, different body shaped, customer base which come to us because yes, our service is "straight up". From our prices to our advice on how to maximize your return on any scrap metal you would bring to us.

Our definition of 'Straight up' would be: -Honest -Fair -Not going to rip you off and create another horror scrap metal selling story! -Fixing your puncture if you got one here while selling us scrap -Shouting you coffee or lunch when the coffee or lunch van turns up -Having a beer with you if I see you at the RSL

The top definition for "straight up" as per urbandictionary.com:

To be right or for real

Person: That is the coolest thing ever. Person 2: Straight up.

Response to the third reason for concern "implying that being 'gay' is bad"

We aren't implying that "being 'gay' is bad", you (the complainant) have simply perceived that. What other companies out there big or small are championing equality? This billboard should be celebrated not complained about. There is no way that the 2 directors of our company would get their photos taken, photoshop the hats on, add a wilderness background and hate on homosexuals! How would that make us money?

At the time it was to be erected (no pun intended), this billboard was to coincide with a private members bill introduced into the Federal Senate by Liberal Democrat senator David Leyonhjelm, however delays in the printing process made the erection (had to do it) 3 weeks late.

Response to the fourth, fifth and sixth reasons for concerns "I find this incredible offensive and homophobic"

You're right, it is an incredible Billboard. In a world where some of society are trying to shield people from homosexuality and saying it's wrong, we have two straight people on a billboard showing that there's nothing wrong with homosexuality.

Offensive? There is no flesh, no obscene language, no tent scene, Bear Hug at best. Offensive to whom or what? Equality? People with homophobia or religious beliefs against homosexuals?

Homophobic? This one makes me smile the most and I refer this argument to a paragraph above under the heading 'Response to the third reason for concern'.

Misc. information that may help our cause: "Broke Scrap Mountain" is one of our registered business names.

Attached for your information is some feedback as well as some free publicity we have received regarding this billboard.

In conclusion we believe we have not breached any of the codes in section 2 of the AANA Code of Ethics

"To be completely honest, this advertisement in itself is our support for the gay, lesbian, bi and transgender community in their quest for equality in all aspects of their lives, under the law, and within society." - Marketing Knownothingabouters and Billboard Model (with awesome facial hair).

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 concern that the advertisement is offensive and homophobic in its suggestion that the advertised service is 'straight up'.

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 this advertisement features a parody of the advertisements for the movie 'Brokeback Mountain' and shows a man embracing another man from behind with a mountain range in the background.

The Board noted the complainant's concern that the reference to 'straight up' implies that

“...being gay is bad”. The Board noted the advertiser’s response that one of their registered business names is ‘Broke Scrap Mountain’ and that they chose the term ‘straight up’ as it means ‘to be right or for real’. The Board considered that the term ‘straight up’ is not of itself discriminatory towards homosexuals and that whilst the advertisement contains lots of mixed messages overall there is no suggestion that to be homosexual is negative or that homosexuals would not be welcome at this scrap yard.

The Board considered that the advertisement did not portray or depict material which discriminates against or vilifies a person or section of the community on account of their gender.

The Board 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 complaint.