



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0072/19
2	Advertiser	Dr Drains
3	Product	House Goods Services
4	Type of Advertisement / media	Radio
5	Date of Determination	03/04/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement for Dr Drains features characters depicted as a doctor and a nurse talking about the product.

THE COMPLAINT

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

The obvious sexual innuendo is crass and unnecessary. Its played many times particularly between 2-4 in the afternoon making it totally inappropriate with children in the car. Why is sexual reference considered funny or clever? It's not. Also as a nurse it's deeply offensive! In this time of "me too" this ad is outdated and not conforming to today's social public standard not to mention the reference and copying of the language by children. Every time I've heard this ad I cringe and turn it down! I would touch the product because of the advertising. It gets one's attention for the wrong reasons.



THE ADVERTISER'S RESPONSE

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

The Advertisement

The Advertisement is an advertisement for a drain treatment product called 'Vaporooter'. It is delivered in a cheeky, irreverent style with a 'doctor' and 'nurse' character which makes sense as the advertiser is called 'The Drain Doctor'. Canberra FM Radio and The Drain Doctor do not think that the Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulations. The advertisement is cheeky but simply plays on the name of the product – it is not explicit or derogatory in any way. It plays on stereotypes but does so in a way which is not hurtful or negative – if anything, the silliness of the whole scenario makes it clear to listeners that there is no undertone of negativity or malice towards anyone, male or female.

AANA Advertiser Code of Ethics The complainant raised concerns regarding alleged sexism and discrimination used in the Advertisement. Sections 2.1, 2.2, 2.4, 2.5, 2.6 and 2.7 of the Code provide that: 2.1 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. 2.2 Advertising or Marketing Communications shall not employ sexual appeal: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people. stances and strong or obscene language shall be avoided. 2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. 2.5 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. 2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety. 2.7 Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience. Code 2.7 We feel strongly that the Advertisement is clearly distinguishable as such. Whilst it uses a direct, chatty tone, this is clearly advertising a product and sits within commercial advertising (amongst other ads). This is clearly not content.

Codes 2.1, 2.2 and 2.4 Whilst the Advertisement uses sexual innuendo, it is not explicit and would not be understood by children. It is silly and 'hammed up' in a way which would not be considered by a reasonable listener to be taken seriously or intended to be degrading or exploitative towards women or nurses.

Code 2.5 The Advertisement does not use obscene or inappropriate language – it simply refers to the name of the product in a cheeky and irreverent way.

Code 2.6 The Advertisement is promoting a product for the safe cleaning of drains. For these reasons, we strongly believe that the Advertisement does not breach the Code.



WE also note that this is the only complaint received in relation to the Advertisement as I/we have not been made aware of any others, particularly as the commercial has been running over many years.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement features sexual innuendo which is inappropriate, particularly for children.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted this radio advertisement is for the product vaporooter, a chemical root killer. The advertisement features a play on a doctor/nurse scenario, with a woman saying "rooter doctor" and a man saying "not now nurse" to which she replies "no, vaporooter".

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the complainant's concern that the advertisement is offensive to nurses.

The Panel considered that there is significant community concern around the issue of stereotyping, and noted that the historical stereotype of nurses being sexually available to doctors is a negative stereotype. The Panel considered that this depiction in the advertisement may be considered by many members of the community to be a portrayal which is vilifying of nurses.

The Panel however noted that the Code of Ethics provides clear direction as to which sections of the community are included the Code. The Panel noted that employment is not a section of the community which is listed in the Code, and therefore the issue



of discrimination or vilification only on the basis of employment or occupation cannot be considered under Section 2.1.

The Panel considered whether the advertisement was discriminatory or vilifying of women.

The Panel considered that although there is a gender imbalance in the beginning of the advertisement, when the female nurse is dismissed by the doctor, this is quickly restored and the woman is the person that explains the function of the product.

The Panel considered that the material depicted does not discriminate against or vilify the woman in the advertisement, or women in general, on the basis of gender.

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

The Panel 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 Panel noted the complainant’s concern that the advertisement features a sexual reference.

The Panel considered that some members of the community may consider the content of the advertisement, specifically the phrase “rooter doctor”, to be a sexual reference. The Panel noted that the word “root” can be a colloquial reference to sex. The Panel considered however that the reference is very fleeting and is not the focus of the advertisement.

The Panel considered that this reference is quickly establishing as referring to the product, and is not a continuing theme of the advertisement. The Panel noted that some members of the community may consider the product name to be inappropriate, however noted that the product name is able to be used in an advertisement.

The Panel noted that this advertisement was aired on radio, and would be heard by a broad audience. The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

The Panel 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 (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Panel noted the complainant’s concern that children may copy the language in



the advertisement.

The Panel noted that this advertisement was broadcast on Canberra FM radio and that the audience would be broad and would include children.

Although not made clear in the complaint, the Panel considered that the reference to language made by the complainant is the use of the word “rooter”. The Panel noted that the word “root” can be a colloquial reference to sex.

The Panel considered that the product is called Vaporooter, and that the use of the product name in an advertisement for such is appropriate in the circumstances, and did not breach Section 2.5 of the Code.

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

INDEPENDENT REVIEWER'S RECOMMENDATION

THE DETERMINATION ON REVIEW

ADVERTISER'S RESPONSE TO IR DETERMINATION

