



Ad Standards Community Panel
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Advertising Standards Bureau Limited
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Case Report

1	Case Number	0075/19
2	Advertiser	GoDaddy.com
3	Product	Information Technolo
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	20/03/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Age

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features actor Ray Meagher. Mr Meagher states, "Running a small business can be tough but getting it online with GoDaddy is easy. Introducing my new fragrance RAYGRANCE number 1. It's a new business I launched online with GoDaddy website builder. GoDaddy make it so easy to build a website even an old bloke like me did it. So come on Australia get a website with GoDaddy. It's flamin' easy"

THE COMPLAINT

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

@17 seconds the actor says "even an old bloke like me did it". I find this offensive.

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 features the Australian actor, Ray Meagher, introduced in a subtitle as “actor and entrepreneur”.

The Advertisement promotes the GoDaddy’s Website Builder product by way of an “advertisement within an advertisement” for a fragrance, “Raygrance Number 1” which, Mr Meagher appears to be formulating in his bathtub, stirring it with an oar whilst wearing a disposable safety coverall.

Ray Meagher

Ray Meagher is a multiple Logie award winning actor, including the 2010 Gold Logie Award for Most Popular Personality on Australian Television, who has played the role of Alf Stewart on the Channel Seven television series Home and Away for over 30 years. He holds and maintains the record for the longest continuous performer in an Australian television role, having played the role since the first episode in 1988.

Alf Stewart

Mr Meagher is almost synonymous in the minds of the Australian community with his on-screen alter ego, Alf Stewart. Alf is a respected but idiosyncratic personality amongst the youthful characters in Home and Away’s setting of Summer Bay. Alf is well known for his distinctive use of Australian expressions.

As noted in Wikipedia:

One of the character's most noted traits is his use of Australian slang and bush expressions, including "flamin galah", "stone the flamin' crows", and "strike me roan"...[he has] become a TV icon" for using his catchphrases such as "flamin'" and "strewth".

The Advertisement draws upon one of these stock phrases to promote the GoDaddy Website Builder process as “Flamin’ easy”.

The Advertisement is a sequel

The advertisement and its Ragrance Number 1 campaign is a sequel. In 2018, Ray Meagher and GoDaddy partnered up in a similar campaign involving “Ray’s Flamin’ Hot Sauce”. It was possible for consumers to purchase Ray’s Flamin’ Hot Sauce, with all proceeds donated to Cure Cancer. Sales raised over \$50,000 for the charity last year.

Raygrance Number 1 is also for sale via social media and sale proceeds will be donated



to Cure Cancer.

An old bloke like me

The complainant is “offended” by the use of another Australian idiom, where Mr Meagher now dressed in a green velvet tuxedo, refers to his successful creation of a website with the self-deprecating statement “even an old bloke like me did it”. The message of the Advertisement is that the GoDaddy Website Builder makes it easy for consumers to get online to promote their small business. As Mr Meagher explained in associated media:

“I get people think it’s difficult to get online — and I am not here because I look like George [Clooney] and Chris [Hemsworth], I’m here because I am the least flamin’ technologically savvy guy in Australia and if I can build a website in under an hour, anybody can.”

It appears that the complainant has not recognised that the use of words “even an old bloke like me did it” involves an Australian idiom, often put as “not bad for an old bloke”. Like many of the Ray Meagher / Alf Stewart catch-phrases, the expression is somewhat dated. The idiom can connote a backhanded compliment or a good natured ribbing (particularly when directed to or used by someone who is not actually of greatly advanced age). When said in the first person (as in the Advertisement) it is a modest expression of self satisfaction.

In summary, the Advertisement is a humorous and engaging advertisement which plays to Ray Meagher’s well known type (through his popular and distinctive portrayal of Alf Stewart over 30 years) to show that small business people can easily use the GoDaddy Website Builder to establish an online presence. In the advertisement within an advertisement, Ray Meagher spruiks his ludicrous fragrance “Raygrance number 1”, which is made available for sale via GoDaddy social media with all proceeds going to Cure Cancer.

No issue under section 2 of the AANA Advertiser Code of Ethics

The Ad Standards letter asserts that “these complaint(s) [sic - there was only one complaint] raise issues under section 2 of the AANA Advertiser Code of Ethics”. The complaint reads (in toto): REASON FOR CONCERN: @17 seconds the actor says “even an old bloke like me did it”. I find this offensive.

Subjective offence is not enough

Ad Standards has recognised in past decisions and its own guidelines that offence, in itself, is not sustainable grounds for complaint. Nor is offence a factor in determining whether the two behaviours prescribed by section 2.1 – discrimination (unfair or less



favourable treatment of older people than younger people, which does not appear to be relevant in this context) or vilification (humiliation, intimidation, incitement of hatred, contempt or ridicule) arise in the advertisement.

Unlikely interpretation

Alternatively, the complaint falls into the Ad Standards category of consistently dismissed complaints.

Ad Standards will dismiss a complaint where it involves an “unlikely interpretation”:

Where the concern raised about the advertisement involves an interpretation of or concern about the advertisement that, while open to interpretation, is unlikely to be seen by reasonable members of the community or is a matter that is particular to the complainant and, although offensive to the complaint, is not likely to be anything which in the light of the generally prevailing community standards was likely to cause serious or widespread offence taking into account the context, medium, audience and product.

Not of concern to broader community

The complaint could also be dismissed on the basis that it is not of concern to the broader community. Ad Standards has only received one complaint about the Advertisement. The complaint takes issue with content that reasonable members of the community would be unlikely to be similarly concerned about.

Stereotypical depiction is not discrimination or vilification

In a previous complaint over age discrimination or vilification Ad Standards established that “While some members of the community may find the stereotypical depiction of older people in advertisements patronising, advertisements will not breach the code unless the depiction discriminates against or vilifies a person on account of their age – Reckitt Benckiser – 0021/17”.

GoDaddy submits that Mr Meagher is not behaving in a stereotypical way. In fact - his behaviour is anything but conventional. If however, Ad Standards contend that there is any level of stereotyping in the Advertisement the Reckitt Benckiser case note correctly concludes that a patronising or stereotypical depiction of older people will not, in itself, constitute discrimination or vilification.

There is no other basis on which it is asserted that the comment by Mr Meagher imposes unfair or less favourable treatment of older people than younger people and the threshold for vilification is not satisfied.



No review of the Advertisement

The Ad Standards letter says that in identifying the section(s) [sic – only one section is identified] that may have been breached they have conducted an “initial assessment of the complaint without having seen / heard the advertisement”.

The complainant provided a live link to the advertisement which is of 30 seconds duration. GoDaddy appreciates that Ad Standards often makes an initial assessment without access to the actual advertisement. In this case the Advertisement was readily available. Ad Standards have accepted and advanced an abbreviated complaint which, on its face, does not raise issues under section 2 of the AANA Advertiser Code of Ethics and/or appears to be a complaint which falls under the category of a consistently dismissed complaint, without taking the time to view the 30 second advertisement itself. In all of these circumstances, GoDaddy is surprised that the complaint was accepted by Ad Standards.

Other sections

Ad Standards have asked GoDaddy to respond in relation to the entirety of section 2 of the ANNA Advertise Code of Ethics.

GoDaddy submits that the Advertisement is not exploitative or degrading (2.2), contains no violence (2.3), sex, sexuality or nudity (2.4). The Advertisement gives rise to no issues in relation to language (2.5), or health and safety (2.6). The Advertisement is clearly distinguishable as advertising (2.7). Neither the AANA Code for Advertising and Marketing Communications to Children or the AANA Food and Beverages Marketing and Communications Code apply. GoDaddy is not a licensed wagering operator.

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 viewed the advertisement and noted the advertiser’s response.

The Panel noted that this television advertisement features actor Ray Meagher speaking about his new fragrance business that he launched online using Go Daddy.

The Panel noted the complainant’s concern that the line ‘even an old bloke like me did it’ is offensive.

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 considered the advertiser’s response that the line ‘even an old bloke like me did it’ is a play on the common Australian idiom similar to ‘not bad for an old bloke’.

The Panel considered that the advertisement contained a positive portrayal of Ray Meagher successfully launching a small business and did not contain a suggestion that he received unfair or less favourable treatment due to his age.

The Panel considered that the self-deprecating humour in the phrase ‘even an old bloke like me did it’ is in line with the public persona of Mr Meagher and was not a suggestion that older people are incapable or unable to manage technology.

The Panel considered that Mr Meagher was portrayed in a positive way and was depicted as being capable of using the technology. The Panel considered that the advertiser did not portray Mr Meagher, or older people in general, in a way which would humiliate or intimidate or incite hatred, contempt or ridicule.

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

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

