



Case Report

1	Case Number	0095/17
2	Advertiser	Freeview Australia Limited
3	Product	Entertainment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/03/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a teenage couple watching “their show” together. However, the girl has succumbed to temptation and watched ahead. Her disappointed boyfriend asks where she watched the show and she runs through a list of places, letting slip that she watched the show at “Dan’s place”. It takes a second for her boyfriend to notice, at which point he naturally asks: “Who’s Dan?” Having realised she’s said too much, our protagonist returns to the safety of her mobile phone screen.

THE COMPLAINT

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

This ad is sexist, and feeds into social acceptance the men controlling women's behaviour. Given that this is a Free TV product, please rethink the presentation. And why is ABC showing an ad anyway? I will also be contacting ABC to query this.

THE ADVERTISER’S RESPONSE

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

Re: Complaint reference number: 0095/17

We note that the complaint submitted pertains to section 2.1 of the AANA Advertiser Code of Ethics, which states:

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.

Background

The advertisement the subject of the complaint is a comedic film to launch the new Freeview mobile service, Freeview FV. It depicts a typical modern problem: a teenage couple has made a date to watch "their show" together. However, the girl has succumbed to temptation and watched ahead. Her disappointed boyfriend asks where she watched the show and she runs through a list of places, demonstrating that Freeview FV empowers you to watch your favourite show wherever you go.

The comedic twist is that as the girl is listing places in rapid fire, she lets slip that she watched the show at "Dan's place". It takes a second for our boyfriend to notice, at which point he naturally asks: "Who's Dan?" Having realised she's said too much, our protagonist returns to the safety of her mobile phone screen. Our boyfriend is left confused and our audience is left to ponder whether there might be trouble in paradise for our young couple.

Section 2.1 Discrimination or vilification

It is our submission that the advertisement does not contravene Section 2.1 as it does not contain any discrimination or vilification on the basis of gender. No character is treated unfairly or less favourably in the advertisement because of their gender. Further, the advertisement does not humiliate, intimidate, incite hatred, contempt or ridicule of any character because of their gender.

The complainant alleges that: "This ad is sexist, and feeds into social acceptance the men controlling women's behaviour." However, the teenage protagonist in the spot is not treated unfairly or less favourably because of her gender. Indeed, it is the hapless boyfriend in the commercial who comes off second best, is seemingly being the unfortunate party in a youthful love triangle. His reaction is a mixture of shock and confusion, but it is in no way intimidating or controlling.

Other Sections

We also submit that there is nothing in the advertisement that contravenes any of the other subsections within Section 2, pertaining to exploitative and degrading content, violence, sex, sexuality and nudity, language or health and safety.

Conclusion

It is our submission that the advertisement does not contravene Section 2 of the Code.

We would therefore ask the ASB to dismiss the complaint.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants’ concern that the advertisement is sexist depicts a social acceptance of men who control women’s behaviour.

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 that this television advertisement features a teenage couple watching “their show” together. It becomes obvious that the girl has been watching ahead. The boyfriend asks where she has been watching it and she names several places including “Dan’s place.”

The Board noted the advertisement is promoting the new Freeview mobile service and that the girl is seen watching the show in various places on her mobile including; on the bus, at the bus stop and in the car.

The Board noted the complainant’s concern that the male is portrayed as controlling the female. The Board considered that this interpretation is because the boy asks the girl why she was watching the program without him and “Who is Dan?”.

In the Board’s view, the couple are presented as young teenagers in a relationship and that there is no suggestion that one partner is controlling of the other. The Board noted that the girl has chosen to watch the program without her boyfriend being present because she has access to the new Freeview app on her mobile phone and that this is a reflection of a decision she has made herself.

The Board considered that the boyfriend’s question of “Who is Dan?” is a reasonable question for the boy to ask as this is the first time he has heard that she has been sharing time with another male who he doesn’t know.

Overall the Board considered that the advertisement did not portray or depict material that was sexist or showed a gender imbalance and did not depict material that discriminates against or vilifies a person or section of the community on account of 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.

