



Case Report

1	Case Number	0102/12
2	Advertiser	Lion
3	Product	Alcohol
4	Type of Advertisement / media	Billboard
5	Date of Determination	28/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification - Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

A country setting with two characters on pathway. They are bearded men wearing blond wigs and white dresses. There is also a rabbit with a butterfly in its mouth. The tagline says, 'Not as sweet as you think', and there are two bottles of Tooheys 5 Seeds in the foreground, one red logo, one green logo.

THE COMPLAINT

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

This ad is upsetting because it trivialises the issues that transsexuals face. It implies that they are not nice people and that they have to hide (because they are not 'sweet'). The particular image of a bearded man with long pigtails and a dress implies the 'bearded lady' from 19th century freak shows and perpetuates the 'unnatural' and 'freakish' stigma related to transsexuals.

THE ADVERTISER'S RESPONSE

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

The billboard advertisement questioned is part of the Tooheys 5 Seeds ‘not as sweet as you think’ campaign. The campaign brings to life the unique appearance of the two central, fictional characters. The characters travel through a world that appears wholesome and idyllic, but on closer inspection, is ‘not as sweet as you think’.

The complainant references the AANA Code of Ethics, Section 2.1, which states: 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, sex, age, sexual preference, religion, disability or political belief. The advertisement in no way depicts content that is contrary to community standards on discrimination or vilification.

The advertisement is set in a fictional, humorous world, created specifically for Tooheys 5 Seeds. The central characters, which can be seen delivering the Tooheys 5 Seeds product, are also fictional – portrayed with a male face and a female body. The characters are not intended to be transsexual in appearance or reflect a person from ‘the real world’. Instead, their unique, surprising appearance is intended to capture the Tooheys 5 Seeds brand proposition - ‘not as sweet as you think’.

We do not believe any other section of the code has been breached in the above mentioned advertisement. If you require any further clarification or supporting materials, please do not hesitate to contact me.

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 implies transsexuals are not nice people.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “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...”

The Board noted that the advertisement features two bearded men wearing blond wigs and white dresses.

The Board noted that the accompanying text of the advertisement reads, “Not as sweet as you think” and considered that the most likely interpretation of the image in relation to this text is that rather than the two people being ‘sweet’ young girls a closer look shows that they are bearded men in their twenties.

The Board noted the complainant’s concern that the advertisement trivialises issues faced by transsexuals and considered that there are no references to transsexuals in the advertisement,

positive or negative, and that an image of men dressed as females does not necessarily amount to an image of a transsexual. The Board considered that most reasonable members of the community would consider that this advertisement is not alluding to transsexuals and that it does not amount to a depiction which discriminates against or vilifies a section of the community.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community and did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.