



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0119/12</b>
<b>2</b>	<b>Advertiser</b>	<b>RW Steel</b>
<b>3</b>	<b>Product</b>	<b>Hardware/Machinery</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>11/04/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

Two workmen are talking - one whistles (very badly) at a woman on the street, who tells him to "shut up you moron!" The other workman then whistles well. The ad then promotes RW Steel products at the best prices. The Ad finishes with the original workmen saying "is that her husband coming?" after which the second workman runs away.

### THE COMPLAINT

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

*I find the sexual harassment and the encouragement of sexual harassment of women while simply going about their day to day business highly offensive. This advertisement seeks to make light of and encourage what is a very uncomfortable experience for many women normalising sexual harassment and making it seem that it is a funny and acceptable way for men to behave particularly in an industry such as building where it has been quite common place and indeed in this place actively encouraged by the 'Employer'. I also find it an appalling message that the only time the two male characters care about what they have done is when the woman's 'husband' is coming along as her feelings on the matter are of no consequence yet her husband's is giving the impression that a woman's worth is only when she is owned and can be defended.*

*I find this advertisement out-dated and highly offensive in its views of what is acceptable behaviour towards women and directly encourages other men to behave similarly. Women*

*have the right to go about their working lives and private lives free from sexual harassment. This advertisement encourages men to deny them that right and is certainly not what is acceptable today as it should have never been.*

## **THE ADVERTISER'S RESPONSE**

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

*Melbourne's 91.5 – Complaint regarding advertisement for RW Steel*

*I refer to your email and copy of complaint dated 16 March 2012 concerning the investigation by the Advertising Standards Bureau (ASB) in relation to a complaint received relating to RW Steel, broadcast on Melbourne's 91.5.*

*The Advertisement*

*The Advertisement is an irreverent tongue in cheek promotion for RW Steel.*

*The Advertisement involves a worker/tradesman whistling at a woman very softly, then being told by his boss that it isn't loud enough, at which time he whistles very loudly and is told off by the woman he whistles at.*

*Whilst we can understand and appreciate the complainant's point of view in respect of the Advertisement, Melbourne's 91.5 does not think that the Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulation.*

*AANA Advertiser Code of Ethics*

*The complainant raised concerns with that the Advertisement contained sexually harassing material and is demeaning to women.*

*At the outset it is important to note that Melbourne's 91.5 does not consider itself strictly bound by the Code. Nevertheless, as a matter of corporate policy and broadcasting practice, Melbourne's 91.5 uses its best endeavours to comply with the Code at all times.*

*We believe that the section of the Code most relevant to the complaint is Code 2.1.*

*Section 2.1 of the Code provides 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, sex, age, sexual preference, religion, disability or political belief.*

*Code 2.1*

*Whilst the Advertisement does contain a wolf-whistle, there is absolutely nothing sinister, negative or harassing towards women generally, or the woman in the Advertisement. We do acknowledge that this kind of behaviour could be considered harassment in a particular context, but we don't believe that this is the case in the Advertisement. It was a light-hearted and irreverent promotion for a steel company. In fact, the woman's response to the whistle in the Advertisement is "get a life you moron!" which certainly doesn't indicate that she is traumatised or distressed by the remark, but paints her as a strong, sensible woman.*

*The tone of the Advertisement is positive and light-hearted, not negative, aggressive or discriminatory. Whilst we acknowledge that the use of the wolf-whistle may not be to everyone's liking and is cheeky and irreverent, we do not believe that it breaches Code 2.1. It is not discriminatory nor does it vilify anyone on account of their being female.*

*It is not discriminatory nor does it vilify anyone on account of their being female.*

*We have not received any other complaints regarding this Advertisement.*

*In light of the context in which the Advertisement was broadcast, Melbourne's 91.5 believes that the majority of its audience would regard the Advertisement as light-hearted and irreverent.*

*For these reasons, Melbourne's 91.5 strongly believes that the Advertisement does not breach clause 2 of the Code.*

*Whilst Melbourne's 91.5 does not consider that the Advertisement raises issues under section 2 of the Code, Melbourne's 91.5 does value feedback on the Advertisement and intends to monitor any similar complaints received in the future to ensure that these advertisements are not offensive to a significant proportion of the community.*

*We would welcome the opportunity to provide any further clarification that the ASB may require in relation to this matter.*

## **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 complainants' concerns that the advertisement depicts material which is offensive to women and a portrayal of sexual harassment.

The Board reviewed 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, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief."

The Board noted that the radio advertisement features two workmen talking - one whistles (very badly) at a woman on the street, who tells him to "shut up you moron!" The other workman (the boss) then whistles well. The ad then promotes RW Steel products in Victoria.

The Board considered that the advertisement is intended to be a humorous, tongue-in-cheek approach to promoting the business and products available through RW Steel.

The Board noted the serious nature of workplace harassment and the general community attitude toward the practice of wolf whistling to passers-by from worksites. The Board considered however, that the situation presented in the advertisement would be understood by most listeners to be light-hearted and irreverent and is not negative or sinister.

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

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

