



Ad Standards Community Panel
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AdStandards.com.au

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Case Report

1. Case Number :	0122-21
2. Advertiser :	Crazy Domains
3. Product :	Information Technology
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	26-May-2021
6. DETERMINATION :	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.0 Other
AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement, a 30 second version and a 15 second version.

In the 30 second version a group of men are out at night, looking dishevelled and it appears they have been drinking. One of the men splits off from the group and walks towards a building. The name of the business is visible. The sound of a zipper being undone is heard, and a stream of urine can be seen splashing on the ground and his shoes, and running down the building. He hums to himself. He finishes and walks back to his friends. The words, "The real world sucks for business. You're better off online" appear on the screen.

In the 15 second version a man can be seen urinating on the outside of a building. The words, "The real world sucks for business. You're better off online" appear on the screen.

THE COMPLAINT

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



*It offensive, bad taste, irrelevant to product and against the law
As society standards continue to diminish, this ad is reaching an all time low. Do we need to see a man urinate against a wall. This ad was shown twice in PG viewing times. My child was home to see it. It is offensive and degrading, showing men urinating outdoors whilst drunk. It is continuing a stereotype. It is degrading to gentleman and completely unnecessary.*

As the time slot is during children's viewing time, I object to showing an adult man breaking the law by clearly and obviously urinating in public as it is not only highly offensive, disgusting and unsanitary, it is illegal and anti social!

The advertisement featured a seemingly intoxicated man urinating against the window of a carpet shop. This was the main content of the advertisement.. so much so that no product name is memorable. Not only is the act itself an offence but at a time when businesses are suffering to suggest that this is all they are good for is profoundly offensive. What kind of standards are we setting in society when this is considered suitable behaviour?

I believe it encourages and promotes binge drinking and public urination. These are things which I (and the law) appear to object to being subjected to and I believe this is mightily inappropriate in any form of media. Multiple ongoing campaigns are trying to object to behaviour like this. I find the ad disgraceful and part of an ongoing problem. Live sport is enjoyed by thousands of children who are highly impressionable.

This behaviour is illegal, unhygienic and offensive

As a mature male, I find this ad supports gender stereotype of a 'yobbo', rebellious male which may have been prevalent in the 1950's but not now. The company's own description of the ad on twitter is "Soak in cash instead of piss. Your business is #betteroffonline with Crazy Domains." Even though the subtext of the message may be that the man's business has failed, this is lost within the depiction of an offensive stereotype.

I think this is disgusting. The Ad plays at breakfast time and dinner time. However overall it's showing humans (males) in the most basic, unhygienic way. Its also teaching young children and teenagers that it's okay urinating in public. Surely they can find a more clever way to get their message across.

The content is disgusting and belittling and bordering on harrasment of women by having a man casually expose himself and urinate in public (which is illegal).

THE ADVERTISER'S RESPONSE

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



The advertisements are aimed to encourage and empower small business owners to take their business online and leverage digital transformation to grow. The ads demonstrate the gritty and uncontrollable things that make the real world a challenge for business. While creating the advertisements, we had no intention to upset, insult or disturb any viewer or group of people.

THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement:

- Depicts inappropriate and gross behaviour that offended public decency.
- Is degrading to men as it continues a stereotype of males as drunken and inappropriate.
- Depicts a man exposing himself.
- Depicts public urination which is against the law.
- Promotes binge drinking.
- Depicts unsanitary and unhygienic behaviour.

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

Issues outside the Code

The Panel noted the complainants' concerns that the advertisement depicts inappropriate and gross behaviour that offended public decency.

The Panel acknowledged that many members of the community would prefer not to see a person urinating or urine on television, however the Panel noted that issues of taste and decency by themselves do not fall within the Code.

Section 2.1: Advertising or Marketing Communication 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 Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Gender - male, female or trans-gender characteristics.

The Panel noted the complainants' concerns that the advertisement is degrading to men as it contains a stereotype of males as drunk and inappropriate.

The Panel considered that the man shown in the advertisement was depicted in a negative light engaging in behaviour which would not be considered appropriate by most members of the community.



The Panel considered that the advertisement suggests that the man has engaged in this behaviour because he has been out drinking, and there is no suggestion in the advertisement that he acts in this way because he is male or that all males engage in similar behaviour.

Overall, the Panel considered that the advertisement did not depict the man receiving unfair or less favourable treatment because of his gender, and did not depict the man in a way which humiliates, intimidates or incites hatred contempt or ridicule of the man due to his gender.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the complainants' concern that the advertisement depicts the man exposing himself which could be considered harassment of women.

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is "the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters".

The Panel considered that the advertisement did not contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is "the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity".



The Panel noted that there was a suggestion that the man had unzipped his fly to urinate and this was a suggestion of nudity. However, the Panel considered that this was only a suggestion and the advertisement did not contain nudity.

Section 2.4 Conclusion

Finding that the advertisement did not contain sex, sexuality or nudity, the Panel found that the advertisement did not breach Section 2.4 of the Code.

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Depictions of drinking

The Panel noted the complainants' concern that the advertisement depicts intoxicated people and promotes binge drinking.

The Panel noted that the advertisement did depict a person who appeared to be intoxicated. However, the Panel noted that the advertisement does not depict the consumption of alcohol. The Panel considered that people have different tolerance levels when it comes to alcohol and that it was not possible to tell from the advertisement that the man had consumed more than the recommended limit for alcohol consumption.

Further, the Panel considered that the advertisement depicted the man's behaviour in a negative light and was not glorifying or encouraging drinking.

Overall, the Panel considered that the advertisement did not depict or encourage drinking to excess in a manner which would be contrary to prevailing community standards on health and safety.

Illegal, unhygienic behaviour

The Panel noted the complainants' concerns that the advertisement depicted behaviour which is illegal and unhygienic.

The Panel considered that the majority of the community would consider that laws relating to public health and safety reflect prevailing community standards.

The Panel noted that public urination is an offence in all states and territories of Australia.

The Panel considered that there has been an increased awareness of the importance of hygiene during the COVID-19 pandemic and most people viewing this advertisement would consider this to be unhygienic behaviour.

The Panel considered that the depiction of unhygienic behaviour which would breach the law would be against prevailing community standards on health and safety.



Section 2.6 conclusion

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code

Conclusion

Finding that the advertisement did breach Section 2.6 of the Code on the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The campaign in questions has been finalised and is no longer running on TV and other channels. The advertisements were aimed to encourage and empower small business owners to take their business online and leverage digital transformation to grow. The ads demonstrate the gritty and uncontrollable things that make the real world a challenge for business. We had no intention to upset, insult or disturb any viewer or group of people. For future campaigns, we will take AdStandards' recommendations and consumer feedback into consideration.