



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0165/14
2	Advertiser	Southern Cross Austereo
3	Product	Media
4	Type of Advertisement / media	TV
5	Date of Determination	28/05/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

The TVC opens with Dave asking Fifi what she would do if she won cash from Fox FM's big-cash "selfie" competition. Fifi responds to Dave and says "Well I'd squeal like a little girl..." The TVC then cuts to a quick close up of Fifi screaming in a shrill manner. FiFi then says that she would get a stand-in to do the jobs she doesn't want to do and when the camera pans out we see that FiFi has been replaced by a short overweight man wearing the same dress that FiFi had been wearing and a blonde wig.

THE COMPLAINT

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

They talk about squealing like a girl. This is insulting to girls. I don't like the stereotyping.

THE ADVERTISER'S RESPONSE

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

The complaint suggests the TVC is insulting to girls stereotyping them as childish.

The relevant code is section 2 of the Australian Association of National Advertisers Code of Ethics (the Code) and so presumably the alleged breach relates to discrimination or vilification on the basis of gender.

Our client always goes to considerable efforts to ensure that all marketing and public communications produced and distributed adhere to the Code. Our view, for the reasons set out in detail below, is that the TVC does not breach the Code.

Application of the Code

It is not disputed that the TVC is a marketing communication to which the Code applies.

Section 2.1 of the Code relevantly provides the following:

“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... gender...”

The Code also provides that:

“Prevailing Community Standards means the community standards determined by the Board as those prevailing at the relevant time in relation to Advertising or Marketing Communications. Prevailing Community Standards apply to clauses 2.1 – 2.6 below. The determination by the Board shall have regard to Practice Notes published by AANA and any research conducted by the Advertising Standards Bureau.”

We refer to the AANA 2012 Code of Ethics – Practice Note – which relevantly provides:

“Prevailing Community Standards apply to all parts of Section 2. This means that the Board will have regard to community standards at the time the marcomms was published.”

Our client’s position

We submit that the TVC does not discriminate or vilify on the basis of gender, and is not in breach of any part of the Code, as it merely portrays Fifi squealing with a shrill voice as she is excited about the prospects of winning instant cash. Fifi attributes her excitement to squealing like a ‘little girl’. It would be odd for Fifi as a woman to attribute her excitement to squealing like a little boy. There is nothing unusual about an adult getting excited about the prospect of winning money. Such behaviour may be described as childish but that does not equate to vilification, stereotyping or discrimination of anyone on the basis of gender.

Our submission is that the TVC is within prevailing community standards generally as to the depiction of humorous situations and specifically as they apply to friendly commercial radio hosts and the humorous interaction and role play between them. The nature of this humorous role play is common to radio hosts in different commercial radio programs across the country.

The ad was not intended to be sexist, insulting or offensive to Fifi or girls/ women in general and is not, in our view, readily or easily capable of that construction. Fifi is acting up her excitement and relates such excitement to that of a ‘little girl’. The ad is light-hearted and

harmless. Fifi is clearly not being serious, nor does she intend to be taken seriously (as inferred from her over-exaggerated loud squeal and comical behaviour).

Furthermore, Fifi's over-exaggerated behaviour is not meant to be the feature of the advertisement. Fifi's 'little girl' episode is the precursor to the ad's overall doppelganger theme which is deliberately light and comically ridiculous and not to be taken seriously. The ad was intended to be humorous rather than insulting or stereotyping of girls by virtue of the overall unrealistic doppelganger imitation.

Prior Board determinations

This section sets out prior decisions which are analogous to this matter and which also relate to potential breaches of section 2 of the Code. In each instance, the Advertising Standards Board (the Board) dismissed the complaints.

McDonald's Aust Ltd

Case number 0501/12 which was determined by the Board on 16 January 2013. In this advertisement, an elderly man sneaks a sip of his partner's Caramel Crush Frappe (the advertised product) while his wife is looking away after he pointed to something in the distance. The advertisement is accompanied by background music with the lyrics "do the sneak" and "do the slurp". Once the woman realises what the man has done, the lyrics continue with "do the HEY!". The complainant believed the ad depicted senior people acting in a childish manner, making them look stupid.

The Board noted the complainant's concerns that the advertisement is degrading in its portrayal of older people behaving in a childish manner as it depicts the man trying to take his wife's drink, making the man appear stupid. The Board dismissed the complaint finding that the most likely interpretation of the advertisement is that this couple have been together a very long time and are wise to each other's ways and that their behaviour is playful rather than stupid.

Like the McDonald's ad, Fifi and Dave as radio hosts enjoy a fun and playful relationship and although her behaviour may appear childish to some, most people would find it humorous and not insulting, offensive or stereotyping of women or girls.

The Tool Shop

Case number 0224/11 was determined by the Board on 13 July 2011. In this advertisement a bubbly young female discusses purchasing tools and equipment from the Tool Shop's Internet site. She comes across as being in a confused state as she doesn't understand how it's possible to purchase large items like wheelbarrows and put them into a shopping cart.

A complainant considered the advertisement demeaning to women as it portrayed the female narrator as being extremely stupid. The complainant felt the advertisement stereotyped females as stupid and tradies as being easily attracted to the product via sexist advertising. The complainant felt the advertisement to be deeply offensive on grounds of both sex and gender.

The Board dismissed the complaint finding that while the female's voice in the advertisement

is made to sound as though the woman is not particularly bright, this depiction is not strong enough to be considered discriminatory against women. This case is comparable to the complaint on foot. While Fifi's voice is sensationalised to sound child-like and over-excited, there is no attempt to discriminate or vilify on the basis of gender. It is a light hearted ad showing playful banter between two well-known comical radio hosts.

Conclusion

In view of our client's submissions, and in light of the above decisions, as well as in the context of prevailing community standards, our submission to you is that this ad does not breach any aspect of the Code.

It is respectfully submitted that the Advertising Standards Board should take no further action with respect to the TVC and that the Complaint should be dismissed.

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 concern that the advertisement refers to squealing like a girl which is insulting stereotyping.

The Board viewed 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 the advertisement features the radio DJ Fifi Box claiming that she would squeal like a little girl if she won cash from FoxFM and we then see Fifi screaming.

The Board noted the advertiser's response that as Fifi is female it makes sense for her to say she would squeal like a little girl rather than a little boy.

The Board acknowledged that the term "squeal like a girl" can be used in manner which is demeaning and suggestive of females being less than equal to males. The Board considered in this instance though that the term is used in a self-referencing manner by a woman describing how she would react if she won some money and that this is then followed by a demonstration of how she would squeal. The Board considered that the stereotypical suggestion that a woman would squeal like a girl when excited about something is presented in a manner which is humorous and not intended to be negative or demeaning.

The Board considered that the advertisement did not portray or depict material which

discriminates or vilifies a 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.