



Case Report

1	Case Number	0176/13
2	Advertiser	Pfizer Australia Pty Ltd
3	Product	Health Products
4	Type of Advertisement / media	TV
5	Date of Determination	12/06/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

The advertisement the subject of the complaint is a television commercial for PCH's Caltrate Plus product depicting a tennis game taking place between a family (Advertisement). On one side there is a mother and her daughter. They are playing against the mother's husband and their son. The Tennis game depicts the mother playing tennis very well. She is hitting winning shots. She is strong and agile. The daughter is in awe of the mother and asks 'Mum, how do you move like that?!'. The ad then goes into a detailed scientific sequence demonstration which focuses on the product features and benefits of Caltrate Plus. The scientific explanation talks about the specific ingredients and how they contribute to strong, healthy, flexible bones. The Advertisement then cuts back to the family playing tennis, where the mother hits another winning shot. There are two versions of the Advertisement – a 30 second version and a 15 second version. This final scene is not shown in the 15 second version of the commercial.

THE COMPLAINT

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

The two females make the two males look absolutely stupid and the males obviously go out of their way to enhance their stupidity, and this is what offends me. If a similar advertisement showed two males making two females looking equally as stupid, feminist groups would be marching in the streets.

THE ADVERTISER'S RESPONSE

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

Section 2.1 of the AANA Code of Ethics states that:

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.

In March 2012, the Advertising Standards Bureau published a Determination Summary titled 'Discrimination and Vilification in advertising' (accessed via <http://www.adstandards.com.au/storage/d16f8ac2e2a3698a6a52335e241a389c.Determination%20Summary%20-%20Discrimination%20and%20Vilification%20-%20%20WEB%20FINAL%20March%202012.pdf> on 18 April 2013) (Determination Summary).

This Determination Summary defines what is meant by the terms 'discrimination' and 'vilification' and sets out the following definitions:

- Discrimination: acts with inequity, bigotry or intolerance or gives unfair, unfavourable or less favourable treatment to one person or a group because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.*
- Vilification: humiliates, intimidates, incites hatred towards, contempt for, or ridicule of one person or a group of people because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.*

Specifically, in relation to gender, the Determination Summary states that this refers to:

"The status of being male, female, intersex, trans-sexual, or transgender and of having characteristics attributed to an individual or a group because they are male, female, intersex, trans-sexual or transgender."

PCH believes that the characters depicted in the Advertisement are not portrayed in any way described or defined in the Determination Summary as set out above. The Advertisement does not give unfair, unfavourable or less favourable treatment to the male characters. Nor does the Advertisement humiliate or incite hatred towards men through their depiction in the tennis game.

The male character does not lose the shot because he is male. The advertisement is intended to depict the female character as agile and active in a relatable situation.

PCH was in no way meaning to be critical of men, or celebrate a male being hurt during a tennis match in the Advertisement. The Caltrate product is used by both men and women. It is not a female specific supplement. Indeed, from 2010 to 2012, PCH advertised the Caltrate brand using the male TV and music star, Mark Holden. This campaign focused specifically on the incidence of osteoporosis in men and increasing awareness of this issue.

The Determination Summary specifically comments on complaints regarding discrimination against men, similar to the Complaint:

“An increasing number of complaints are received each year about advertisements on the basis that men are depicted in an objectifying or discriminatory manner. The majority of these complaints involve men depicted as being unintelligent or under the control of women. The Board will consider such complaints using the same criteria as those employed when considering complaints about discrimination against women.

Examples: 0061/12 Mitsubishi Motors; 0015/12 Boyson Meat & Poultry; 0518/10 Lynx; 0511/10 Selleys”

PCH notes that the determinations set out above in the Determination Summary were all dismissed.

In 0061/12 Mitsubishi Motors, the ASB determined that:

“the advertisement was tailored to appeal to the section of the community most likely to be buying and driving cars and that the scenarios used in the advertisement were chosen to portray real life situations and more so to highlight the features that are part of the vehicles shown.”

PCH believes that this principle applies to the Advertisement. The situation depicted was intended to portray a real life situation – that of a family playing a casual game of tennis.

PCH believes that it is common for families to play in this way. It is true that professional mens doubles players do not usually play against female doubles players, however this does occasionally occur at the professional level for charity matches and the like. Regardless, the Advertisement does not depict a professional or high stakes tennis match as there are no spectators and the setting is clearly a residential or local community tennis court. This is clear because the court is surrounded by hedges and there is a table and chair setting shown at the back.

The complainant stated:

“The two females make the two males look absolutely stupid and the males obviously go out of their way to enhance their stupidity, and this is what offends me. If a similar advertisement showed two males making two females looking equally as stupid, feminist groups would be marching in the streets.”

The Advertisement is intended to demonstrate the mother’s strength and agility. Someone has to win the shot and the Advertisement shows the mother character winning to illustrate the mother’s agility on the court. This is also compared to the female daughter character, who is in awe of her mother’s skill and agility during the game, stating “Mum, you move so well!” For this reason PCH believes that the advertisement does not specifically target men and does not depict the male characters as deficient or not as healthy. All of the players are shown to be healthy and active in the Advertisement. The game depicted is an active and vigorous game that all of the family members are participating in.

The 30 second version of the Advertisement shows the father and son character bumping into each other in a humorous way that is easy to relate to and identify with. The Advertisement utilises humour as a means of communicating the key health benefits of the Caltrate product. The intention was to humorously portray a situation that viewers could easily identify with and at the same time be entertained by. PCH intended to leave consumers laughing, or with a smile on their face, to encourage consumers to positively identify with the Caltrate brand and Caltrate vitamin products. Humour is used within the ad to portray healthy banter between the men and women. This is something which is common amongst families, to banter between mother and father, sister and brother etc. In no way did PCH intend to depict the male characters as 'hapless or clown-like' in order to discriminate or vilify men.

PCH believes that the mother did not need to apologise to the male character. As set out above, the Advertisement shows an active and vigorous game of tennis. The male character is clearly unhurt by being hit with the ball. Indeed, in the 30 second version the man continues to play and participate in the game in the final scene.

In April 2013, the Advertising Standards Bureau published a further Determination Summary titled 'Portrayal of Gender in Advertising' (accessed via <http://adstandards.com.au/storage/f8ecf676e65ffe9630033b319866f325.Determination%20Summary%20-%20Portrayal%20of%20Gender%20-%20April%202013.pdf> on 18 April 2013) (Gender Determination Summary).

This Gender Determination Summary states:

In areas of subjective judgement and often strongly-held beliefs, it is impossible to say that no single advertisement should ever offend anyone. In practice, the Board would normally interpret rules of this sort to mean that an advertisement should not cause serious offence to the members of the group in question or the general or wider community.

PCH believes that this advertisement does not cause serious offence to men, nor the general or wider community. PCH is always conscious of the impressions it portrays in its advertising and marketing materials and at no stage did it intend to cause offence with the Advertisement.

Finally, PCH would like to point out that the section of the advertisement which depicts the family engaged in an active game of tennis is only a small portion of the overall advertisement. PCH believes that the overall impression on consumers will be in relation to the scientific claims and scientific sequence. This delivery of information is the main intention of the advertisement, not the depiction or portrayal of gender or a tennis match.

For the reasons set out above, PCH does not believe that the Advertisement breaches Section 2.1 of the AANA Code of Ethics.

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 is discriminatory in its depiction of a woman celebrating after hitting her husband with a tennis ball and in its suggestion that women are healthier than men.

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...gender.."

The Board noted that the advertisement is for a calcium supplement and features a mum playing tennis with her daughter against her husband and son and that she is showing off her physical prowess by hitting powerful shots. The Board noted that on a couple of occasions the mum's shot results in the tennis ball hitting the dad and that the complainant is concerned that she does not apologise for hurting him.

The Board noted that domestic violence is a serious community concern however the Board considered that in this instance the depiction of a tennis ball hitting a player is a depiction which is not uncommon in a game and that the woman is not depicted in a manner which suggests she is trying to hurt the man. The Board noted that whilst the woman does not apologise for hitting her husband with a tennis ball. In the Board's view this does not of itself amount to a depiction which suggests hitting a man is an achievement. The Board noted the woman shouts, "yes" after her ball hits her husband however the Board considered that her celebration was in the context of winning a point rather than because the ball had hit her husband. The Board noted that the man is shown continuing to play tennis after he has been hit and considered that this indicates he was not injured.

The Board noted the complainant's concerns that the advertisement depicts the woman as being more active than her husband and considered that in the context of highlighting the benefits of the advertised product the suggestion that the woman is more active as a result of taking calcium supplements is not a suggestion that all women are more active than all men but rather that this particular woman is more active than this man because she has been taking the calcium supplements and he has not.

The Board noted that they had previously considered this advertisement on Pay TV (0134/13) and consistent with that decision found that the advertisement did not breach the Code. The Board noted the advertisement had been rated 'G' by CAD and that the advertisement had been aired in the timeslots appropriate for the rating.

The Board determined that the material depicted did not discriminate against a section of the

community and 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.