



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0180-21
2. Advertiser :	Squarespace, Inc
3. Product :	Information Technology
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	23-Jun-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts man and woman discussing names for their baby, the father says they should call her Sarah, and the mother says, "Sairsy".

A teenage boy and girl are in a class room. The boy says, "Hairy Sairy, it's coz of your hair" and laughs.

A teenage girl and boy are leaning against the hood of a car. The boy says, "I love you Sair-bear".

Two hairdressers, one a young woman and one an older woman are shown in a salon. The young woman's hair changes colour throughout the advertisement and the older woman calls her a name depending on the hair colour.

Pink - Hundreds and thousands

Blue - Blue cheese

Red - Tomato sauce head.

Sarah is then seen to start her own website selling different colours of hair dyes.

THE COMPLAINT

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



I found the square space Advertisement offensive in regards to calling a redheaded person tomato sauce head. This can encourage children to call redheaded children this derivative name thus bullying the redheaded child

THE ADVERTISER'S RESPONSE

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

"Make a Name For Yourself – Sarah" (Ad)

We believe that the Ad does not contravene the:

- *Advertising Association of National Advertisers Code of Ethics (AANA Code of Ethics);*
- *Advertising & Marketing Communications to Children Code (AMCC Code); or*
- *Food & Beverages Advertising & Marketing Communications Code (FBAMC Code).*

Squarespace made the Ad available in Australia early June 2021, and plans to continue running it for the next few months.

About Squarespace

Squarespace is a software-as-a-service which exists to help people with creative ideas stand out and succeed. Squarespace's all-in-one platform enables millions to build a brand, share their stories, and transact with their customers in an impactful and beautiful online presence.

Advertising Association of National Advertisers Code of Ethics

Squarespace believes the Ad does not contravene any provision of the AANA Code of Ethics, including sections 2.1 and 2.6.

Section 2.1 of the AANA Code of Ethics provides:

2.1 Advertising 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 orientation, religion, disability, mental illness or political belief.

In particular, the Ad does not discriminate, vilify or show a member of a certain group with any of the relevant attributes (i.e. race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief) as ridiculous or unintelligible, or incite ridicule towards a member of a certain group with the relevant attributes.

The complaint focuses on the reference to Sarah's dyed red hair and the nickname "tomato sauce head" and that children will be influenced by the Ad to "call redheaded children this derivative name thus bullying the redheaded child." Squarespace believes



the Ad does not contravene Section 2.1 because the complaint addresses a characteristic that is not one of the listed attributes.

Section 2.6 of the AANA Code of Ethics provides:

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

Squarespace believes the Ad does not contravene section 2.6. Specifically:

- The Ad is a humorous combination of Australian nicknames that match the different coloured unnatural hair dyes the character Sarah uses, with each of the colours matched with an Australian food in a comparative and humorous manner.*
- The Ad showcases non-naturally occurring hair dye colours manufactured by the character Sarah and ultimately put up for sale by her on her fictional Squarespace online store.*
- Each hair dye used by Sarah is humorously described. The individuals who react to the hair dye colours are commenting on Sarah's character's unique products.*
- When Sarah dyes her hair, in each instance the colour is clearly not her natural hair colour and is either blue, red, pink or multi-coloured, and in the context of the advertisement each hair colour has been manufactured.*
- The Ad does not encourage bullying, and it does not depict children bullying each other, or calling each other names based on their natural hair colour (or their dyed hair colour).*

In summation, with respect to the AANA Code of Ethics, we believe the complaint is based on a misunderstanding of the Ad. The dyed hair at issue does not depict a human characteristic, attribute or physical feature, and as such it is not commentary on any of those things. In other words, the Ad does not depict red hair that could be confused with or even compared to red hair that any child (or anyone else) might naturally have. The shade of red depicted in the Ad is equivalent to a fire truck or stop sign. No child would have such hair and therefore no one would be inspired by the Ad to call a child "tomato sauce head." In fact, the Ad does not even refer to the dyed hair using the word "red" so there is no likelihood that someone would associate a nickname given to the hair with anything that would be said to another person based on the attributes listed in Section 2.1 or Prevailing Community Standards on health and safety referenced in Section 2.6. For the same reason the "blue cheese" nickname in the Ad is not in contravention of the AANA Code of Ethics because no person naturally has blue hair, the particular type of red hair here is also not in contravention thereof.

Advertising & Marketing Communications to Children Code

The AMCC Code applies to 'Advertising or Marketing Communications to Children', which is defined as:

"Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product."



We note that 'Children' is defined to mean 'persons 14 years or younger' and 'Product' is defined to mean:

"goods, services and/or facilities which are targeted toward and have principal appeal to Children."

Squarespace believes that the AMCC Code does not apply to the Ad. Specifically:

- *Squarespace services are not targeted towards, or have principal appeal to, children. In fact, all Squarespace services are governed by the Squarespace Terms of Service available at <https://www.squarespace.com/terms-of-service> (SQSP TOS). Section 1.3 of the SQSP TOS explicitly prohibits use of Squarespace by anyone under the age of 16.*
- *The Ad is not directed to children and does not depict children. The theme, visuals and language of the Ad are designed to appeal to adults who use Squarespace services to set up websites or online stores to start and run a business, and it is not an advertisement directed at children or depicting children.*

Food & Beverages Advertising & Marketing Communications Code

The FBAMC Code does not apply to the Ad. The Ad is not advertising for Food or Beverage Products (as those terms are defined in the FBAMC Code).

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' concern that the advertisement encourages bullying of redheads.

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

Discrimination against people with red hair

The Panel noted that Section 2.1 of the Code (discrimination or vilification) does not cover the category of physical characteristics. As such, discrimination against a person with a particular hair colour is not an issue which can be considered under the Code.

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

The Panel noted the Practice Note in relation to bullying for this section of the Code states:

"The age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards. More care must be taken when the people depicted in



an advertisement are Minors or if there is an unequal relationship between the people in the advertisement, e.g. student and teacher, manager and worker.”

The Panel noted the advertisement features the woman, Sarah, being given a variety of nick-names throughout her life which she did not appreciate. In particular, the Panel noted the scenes where Sarah’s employer was seen to call Sarah a series of names based on her changing hair colours. The Panel noted that there was an unequal relationship between Sarah and her boss, which was then equalized by Sarah starting her own business.

The Panel considered that Sarah was seen to react to the comments in an annoyed rather than humiliated manner. The Panel considered that comments were made about multiple hair colours, and that there was no particular suggestion that she was being targeted because of the red colour in particular.

Overall, the Panel considered that the advertisement was light-hearted and humorous and played on the idea of making a name for yourself rather than settling for nick-names given by others. The Panel considered that the advertisement did not portray realistic bullying in a manner which would be likely to be copied by viewers.

The Panel considered that most members of the community would not consider the advertisement to be portraying material which would be against Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.