



Case Report

1	Case Number	0189/17
2	Advertiser	Kleenheat
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	10/05/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

Rodney is standing in a park with kids playing sport in the background, while he is cooking on a BBQ. Karen is standing a few metres to his left doing the same thing. Rodney and Karen engage in conversation while cooking. Karen mentions that switching to Kleenheat will save Rodney 20%, and suggests Rodney switches. Right after Rodney starts to tease her, he is pulled backwards and into the air by an unseen force. He disappears into the sky. Karen watches him fly up, then turns back to the screen. After the end frame, Rodney walks back on screen, his BBQ wrapped around him. As he walks off, he kicks a football.

THE COMPLAINT

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

Towards the end of the ad the man who is playing a stupid character is blown away along with his BBQ. He then reappears at the end entangled in the BBQ. Is it okay to inflict pain on stupid people, or maybe just stupid men? I can't imagine it's fun to be impaled in a BBQ.

THE ADVERTISER'S RESPONSE

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

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Firstly, we would like to apologise for any upset caused to the complaint by our TV advertisement that has been running on free to air TV channels. This was not our intention and we treat any complaints received with the utmost seriousness.

With 60 years' experience in the gas industry, we are committed to our values:

- Safety: we care about the safety of our people, customers and community above everything we do*
- Accountability: we hold ourselves accountable to achieve great results individually, in our teams and as a company*
- Teamwork: we strive for diversity, collaboration, sharing information and constructive challenge, recognising this is critical to our success*
- Improvement: we deliver energy solutions in efficient and innovative ways, benefiting our customers, the environment and our shareholders*
- Integrity: we always operate in an ethical, open and honest way*

The Western Australian residential gas market had a single provider until 2013. Kleenheat's entry into the market brought choice of gas suppliers to WA consumers for the first time. Kleenheat's advertising is aimed at raising awareness of the alternative provider of this service. In that context, a campaign that was memorable and engaging (even if a bit silly) was necessary for a group of consumers not accustomed to a competitive residential gas supply market.

The TV advertisement in question is part of a series of advertisements featuring the same characters. The characters are developed in the minds of the viewer through their exploits over the course of the advertising campaign. So this TV advertisement can also be viewed in the context of the advertising campaign as a whole.

Set out below is our detailed response which addresses all parts of Section 2 of the AANA Code of Ethics.

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, gender, age, sexual preference, religion, disability, mental illness or political belief.

We do not believe that the advertisement in question discriminates against or vilifies a person or section of the community based on the specifics detailed above.

Yes, 'Rodney' is depicted as a little boring and confusing in his dialogue. He is purposefully shown as complex and dated in approach (akin to traditional energy providers). This is our intention; we want the audience to compare the other character, 'Karen', to him as being modern, straight talking and someone the audience can warm to, like the Kleenheat brand. We also want our audience to warm to 'Rodney', but in a different way, finding him amusing if a little irritating, rather than vilify or discriminate against him.

The relationship between the two characters is friendly, and 'Karen's' attitude towards 'Rodney' is never demeaning or condescending.

None of the humour used in this advertisement uses race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief to get the message across, as obviously it should not.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The advertisement in question does not reference sexuality in any way and, as such, there is no possibility the advertisement could contravene this provision of the Code. Humour is employed in the advertisement to differentiate the brand and to aid brand recognition and alignment with consumers, but none of the humour is of a sexual nature.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The premise of the advertisement in question is one that is based upon fanciful humour: the interaction between two very different characters creates scenarios which would not and cannot happen in real-life. The advertisement is slapstick, the events a bit ridiculous and it is intended to be entertaining and humorous. As such, there is no menace in the advertisement.

'Rodney' embodies the perception many consumers have of traditional energy companies, complicated and confusing. 'Karen' portrays Kleenheat's brand difference of making things simple to understand. The action in the scene where 'Rodney' disappears is justifiable in the context of portraying the simplicity of saving money by switching to Kleenheat from a more complicated provider. It is a way of cutting through this complication and confusion to make it easier for the audience. Taking away the complicated and replacing it with simplicity.

The scenes depicted are purposely silly to ensure as much as possible that the action used to dispense of 'Rodney' is not seen as violent but instead amusing, engaging and importantly unexpected to help ensure that the brand is remembered by the audience. 'Karen's' response to 'Rodney' disappearing adds to the unexpected nature of this and shows that she had nothing to do with this act, it is a complete surprise. Additionally, 'Rodney' has a reprise at the end of the advertisement to show that he is still alive and ok.

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

As noted above, the advertisement in question does not reference sexuality in any way and, as such, there is no possibility the advertisement could contravene this provision of the Code.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The advertisement in question uses language that is appropriate in the circumstances and, in particular, does not utilise any strong or obscene language.

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

The advertisement in question is based upon fanciful humour and depicts a scenario that would not happen in the 'real world'. The scenario in the advertisement where 'Rodney' is sucked up into the sky is exaggerated and far-fetched. The fact he returns to Earth unharmed and his BBQ, which was sucked up into the sky with him, has mysteriously become a piece of clothing adds to the fiction of this scenario. This is not something that would happen in everyday life.

The advertisement is intended to be entertaining and humorous. As such, there is no menace in the advertisement. 'Rodney' has a reprise at the end of the advertisement showing he is unharmed and mimics 'Karen' by saying "maybe you should switch".

Considering this, we do not believe that the scenario depicted includes material contrary to prevailing community standards on health and safety as it is not a scenario that could ultimately manifest itself in everyday life.

As explained in our response to section 2.1, we have not sought to vilify or demean any of the characters depicted on screen. The two characters used have a jovial relationship. 'Karen' is never condescending to 'Rodney' and always supportive, albeit a little bemused by him at some points. The incidents that occur to 'Rodney' are never triggered or inflicted on him by 'Karen', nor could they be as they are fanciful scenarios that happen from nowhere.

We look forward to hearing the Board's response.

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 concerns that the advertisement depicts a man impaled on a barbeque and suggests it is okay to inflict pain on stupid men.

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 that part of this television advertisement depicts a man pulled in to the air by an unseen force before reappearing with a barbeque wrapped around his body.

The Board noted the complainant's concern that the advertisement suggests it is acceptable to inflict pain on stupid men. The Board noted that the advertisement features a man and a woman discussing the savings to be made by switching to Kleenheat and considered that although it was the man who was blown away by an unseen force, it could just have easily been the woman and in the Board's view the actions happened to a generic character, not a person on account of their intellectual ability or gender. The Board considered that most reasonable members of the community would recognise that the advertisement is not

presenting a realistic scenario and that there is no suggestion that men, or people with lower intelligence, should be treated differently or have pain inflicted upon them.

Overall the Board considered that the advertisement did 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 and determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted it had previously dismissed complaints about a similar advertisement by the same advertiser in case 0327/16 where:

“The Board considered that it is evident that the scenario is fictitious and uses special effects to portray ‘cartoon style violence’ and that Rodney is unhurt. The Board considered that the advertisement is humorous and does not depict actual violence, also noting that Rodney is not harmed by the giant catapulting him as he is heard to say “I’m tickety boo” as he lands in a field.”

The Board noted in the current advertisement that although we hear sound effects suggesting that the man has landed on something, we do not see the moment of impact, and considered that, consistent with its previous determination the advertisement is not representing a serious or realistic situation but rather using a comedic approach to promote Kleenheat. The Board considered that children viewing the advertisement would understand the content to be fantasy scenarios that are exaggerated, not real and in similar style to many cartoons.

The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

