



## Case Report

1	Case Number	0209/16
2	Advertiser	ACT Government
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/05/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Sexual preference
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

The campaign is based around the theme of “get re-psyched about recycling” and involves the use of retro styling and a satirical character, Ricky Starr, whose persona is based on 80s/90s cult fitness guru Richard Simmons.

The specific advertisement in question deals with the issue of people containing their recycling in plastic bags and uses the campaign character to deliver a simple message that your recycling can't be recycled if it is in a plastic bag. We see Ricky running across the floor then bursting out of a recycling bin to demonstrate that bags should not be used.

### THE COMPLAINT

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

*I am offended at the actor pretending to be an obviously gay character Rickey Star who is very similar to Richard Simmons. The voice and over the top gestures are demeaning to gay men, embarrassing and is making fun of them for being different. I also find it incredibly irritating. We aren't meant to judge people, take it off the air.*

*I get he is supposed to be a parody of Richard Simmons but my gay son turned off the TV when this came on as it is such a mocking stereotype of a gay male. In this day and age, it would be the equivalent of showing someone with dark skin acting like a slave. Surely we are trying to move forward with acceptance and don't need to see this. It offends me and I find it*

*an embarrassing statement of where we are in our fight for gender equality.*

## **THE ADVERTISER'S RESPONSE**

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

*We note that the complaint has been made with reference to Section 2.1 and 2.2 of the AANA Code of Ethics. These sections of the Code ensure that advertising should not discriminate or vilify, or exploit or degrade.*

*We contend that the advertisement does not promote discrimination or vilification of any group, or degrade any particular group, and rather is a homage/tribute to a cult figure in popular culture. The Ricky Starr character is based on Richard Simmons ([https://en.wikipedia.org/wiki/Richard\\_Simmons](https://en.wikipedia.org/wiki/Richard_Simmons)), an American fitness guru and actor whose popularity was at its peak in the 80s and 90s, when recycling first became mainstream. Due to his immense popularity in a period where people were first exposed to recycling (and when people were 'psyched about recycling'), and his over-the-top personality, Simmons was identified as the perfect person to base a character on in order to deliver what can often be quite boring recycling messages. While the character used in the advertising is clearly flamboyant, this is a central part of the character development and relates closely to the way fitness videos from that era were presented by Simmons. Our contention is that the advertisement and the way the character presents is entirely within reasonable community standards.*

*More broadly, in responding to this notice of complaint, we have also reviewed all items covered by Section 2 of the AANA Code of Conduct, with particular reference to section 2.4. Our view is that the campaign does not contravene the code in any way.*

## **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 of the character Ricky Starr, pretending to be gay, is demeaning to gay men and a mocking stereotype.

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 this television advertisement features a man named Ricky Starr demonstrating recyclable materials.

The Board noted the advertiser's response that the Ricky Starr character in the advertisement is based on the flamboyant 1980's fitness guru, Richard Simmons.

The Board considered that the overall theme of the advertisement was retro 80s. The Board noted that the actor is wearing silver shorts, a blue singlet and a head band and considered that his actions and the language used are reminiscent of fitness instructors from the 1980s who were well-known for flamboyant actions and tones and therefore it was relevant in the current advertisement.

The Board considered the advertisement made no reference to homosexuality. The Board did not consider the advertisement was intended to mock gay people, as the character was using behavioural not sexual traits. The Board did note that the advertisement used an actor with flamboyant and exaggerated movements and an effeminate voice, but this was intended to be humorous and did not depict the actor as homosexual or vilifying homosexual relationships.

The Board noted that the advertisement had been rated 'W' by CAD which means it can be viewed by a broad audience.

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 complaints.