



Case Report

1	Case Number	0223/15
2	Advertiser	The Butterfly Foundation
3	Product	Community Awareness
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	27/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

High profile supporters/Australian celebrities use brightly coloured nail polish to paint their middle fingernails. They then display their painted middle fingernails for the camera in a range of playful gestures.

The supporters urge viewers to support the campaign by painting their middle fingers and donating to The Butterfly Foundation to help fight eating disorders.

Text is displayed on the screen stating that eating disorders have the highest mortality rate of any psychiatric disorder, and a voice over urges people to support the fight against eating disorders by donating to The Butterfly Foundation.

THE COMPLAINT

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

Throughout the entire advertising campaign, people were shown applying nail polish/varnish to their middle finger. Then instead of just raising their entire hand/s with all fingers together, they raised their hand/s blatantly showing only the middle finger directly to the camera.

I found it completely offensive, it distracts from the awareness of the point/cause they are trying to make, it's just watching TV and an add coming on and being flipped off and given the bird the entire time! Not necessary, not family friendly, not something that needs to be on television at all! Appalling they can get away with it! Let alone all the deaf community pretty much being told f\$#k you!

Use of abusive body language.

THE ADVERTISER'S RESPONSE

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

The Don't DIS My Appearance campaign asks people to paint their middle fingernails during May as a way of taking a stand against appearance based judgement. During the advertisement, high profile supporters display painted middle fingernails in a variety of playful gestures.

The action of high-profile supporters displaying their painted middle fingernails in a range of gestures is appropriate and justifiable in the context of the campaign messaging being promoted, as the activity highlights the call to action (being to paint your middle fingernail, and your middle fingernail only).

Viewers are not asked to display a particular gesture as part of campaign participation (the range of gestures displayed during the ad reinforces the fact that there is no one gesture being encouraged).

The painted middle finger in this advertisement seeks to act as a conversation starter, highlighting the fact that our existing culture of appearance based shaming and resultant perpetuation of negative body image is significantly damaging, and a behaviour that can be a contributing factor in developing an eating disorder - particularly in already vulnerable individuals. The Butterfly Foundation believes that the practice of body shaming is more damaging than a raised middle finger (which is but one gesture represented in the ad), yet it is more widely accepted and tolerated. To reinforce the harmfulness of the issue of body shaming and eating disorders, the ad includes the clear statement, "Eating disorders have the highest fatality rate of any mental illness".

While the use of the painted middle finger in a range of creative gestures is intentionally attention grabbing, the upbeat music, costuming, choice of talent, script, and the friendly, mischievous expressions of talent have been carefully considered to help ensure that the middle finger gestures are not perceived as aggressive or offensive gestures directed at particular individuals.

The Butterfly Foundation does not wish to encourage offensive or aggressive behaviour with this advertisement – instead, it wants to draw attention to the offensiveness of judging someone according to their appearance, generate discussion about how wrong and harmful such judgments are, empower people to take a stand and say 'no'. The advertisement also seeks to increase community awareness about the known causal link between appearance-based judgement and the potential development of an eating disorder, as well as increase community understanding of eating disorders being serious mental illnesses that kill more Australians each year than any other psychiatric illness.

The high profile celebrities chosen to appear in the advertisement represent people who work across a variety of age demographics.

The advertisement has received a PG rating from CAD and has been placed to run during appropriate programming times based on that rating, at the discretion of individual networks.

Additionally, in specific reference to Section 2 of the Code of Practice:

- The advertisement does 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.

- The advertisement does not employ sexual appeal in a manner that is exploitative and degrading of any individual or group of people.

- The advertisement does not present or portray violence unless it is justifiable in the context of the product or service advertised.

- There is no sex, sexuality or nudity in the ad, and therefore the advertisement treats sex, sexuality and nudity with sensitivity to the relevant audience.

- The advertisement uses language that is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language is not used.

- The advertisement does not depict material contrary to Prevailing Community Standards on health and safety.

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 features people extending their middle fingers and that this gesture amounts to an obscene gesture which is offensive, rude and inappropriate.

The Board viewed the advertisement and noted the advertiser’s response.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “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 Board noted that this television advertisement is raising awareness of the Butterfly

Foundation which helps people with eating disorders. The Board noted the advertiser's response that the advertisement encourages people to paint their middle fingernail with nail polish but does not encourage people to raise their middle finger.

The Board noted that it had previously upheld a billboard advertisement featuring a depiction of a hand with the middle finger raised (288/12) where it found that "the use of this gesture with the phrase "stuff paying text" amounted to a negative and inappropriate depiction not suitable for an outdoor advertisement which could easily be seen by children."

The Board noted it had also considered an advertisement where a woman raises her middle finger to her partner in case 0128/13 where:

"The Board noted that when the woman extends her middle finger to the man she follows the gesture with a smile to show she is not being serious and considered that the combination of the limited [PAY TV] audience and the context of a rude gesture made in fun amounted to an overall depiction of language which is not inappropriate in the circumstances."

In the current advertisement the Board noted that the gestures used by the actors are varied and considered that there is no attitude, aggression or menace used. The Board considered that the overall tone of the advertisement was light-hearted and considered that in the context of a community service announcement promoting support for an important message the light-hearted depiction of people painting their middle finger nails and extending their digits to show them off is likely to be seen as not depicting aggressive or insulting behaviour and that the advertisement does not feature language which is strong, obscene or inappropriate.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

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