



ADVERTISING  
STANDARDS  
BUREAU

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# Case Report

|   |                               |                      |
|---|-------------------------------|----------------------|
| 1 | Case Number                   | 0249/14              |
| 2 | Advertiser                    | Electrodry           |
| 3 | Product                       | House Goods Services |
| 4 | Type of Advertisement / media | Free TV              |
| 5 | Date of Determination         | 09/07/2014           |
| 6 | DETERMINATION                 | Dismissed            |

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a man and woman sitting on a lounge. The man moves his shoe across the carpet and the woman comments, "I know, they should be professionally done over at least once per year." The man replies, "If only I was so lucky."

## THE COMPLAINT

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

*I find the retort of the male to be a portrayal of sexualisation, objectification and sexual in nature.*

*When the male retorts, the tone of his voice has inference, he then roles his eyes, smirks and grins cheekily.*

*The inference made me feel uncomfortable and offended and I object to that kind of inference in particular that is is a carpet cleaning advertisement and during prime time.*

## THE ADVERTISER'S RESPONSE

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

*We thank you for forwarding the complaint raised by the viewer and allowing the extension in time to file the response. We do not believe that the TVC in question contravenes section 2.4 of the AANA code of ethics. CAD approval has been granted and the TVC does not target a youth audience. Last week we submitted a response to matter number 0234/14. I'd like to preface this correspondence by stating that some of the same arguments used in response to matter 0234/14 have been used in response to this matter.*

*The TVC in question focuses on dialogue between a husband and wife. Within the dialogue the husband rubs his foot across the carpet and the wife states, "I know, they should be done over once a year." The wife is clearly referring to cleaning or maintaining the carpet. The husband responds to this statement by saying, "I should be so lucky." The TVC is designed to reinforce the message that carpet, like people, require maintenance, attention and care. In the case of carpet, care is achieved through cleaning and the word "professional" is used to:*

- 1) differentiate between professional carpet cleaning and regular carpet maintenance through vacuuming and*
- 2) differentiate between professional cleaning and "DIY" carpet cleaning with small cleaning machines typically rented through supermarkets.*

*There is a mild use of humour when the husband says, "I should be so lucky". This is designed to reinforce the fact that we often forget to take the time to look after ourselves as we keep moving on the treadmill of life. Whilst the carpet might be subject to a make-over once a year through professional cleaning, the ad is designed to portray a husband who most likely works long hours and rarely gets the opportunity to look after himself. For the husband, the makeover or maintenance could come in many forms such as a massage, a new wardrobe, new hairstyle or possibly a spa treatment of some sort.*

*Electrodry strenuously denies that the TVC contravenes the AANA Code of Ethics on the grounds that*

- There is no direct sexual innuendo. Some viewers may interpret the TVC to contain a sexual connotation, although this is not the intention of the TVC*
- If a sexual connotation is perceived, we put forward that advertisements with much stronger sexual innuendos have and continue to be used in advertising to similar audiences.*
- If the TVC in question is interpreted to contain a sexual innuendo/connotation, then the connotation implied is milder in nature than the sexual connotations in the TV programs in which the TVC is aired.*
- There is no direct sexual innuendo. Some viewers may interpret the TVC to contain a sexual connotation, although this is not the intention of the TVC*

*In a May 2012 determination, the ASB stated that*

*"In areas of subjective 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 community".*

*We assume that the sexual innuendo that triggered the complaint is a result of the tone of voice used by the male actor when he says the words "I should be so lucky". There is no sexual imagery or sexual specific language of any sort within the TVC and the setting does not permit inappropriate interpretation. Any sexual connotation that could be derived would be weak to mild. Accordingly we do not believe that one could consider that the TVC could cause serious offence.*

*We refer the board to case 0067/13 that considered the matter of the TVC aired by Dick Smith foods where the participants in the TVC are shown saying, "Love Dick." In that matter the board determined that the sexual innuendo was not strong enough to be considered as inappropriate. In a separate matter, 0227/13, the board considered a TVC prepared by Transport New South Wales that used lyrics with strong references/innuendos of touch oneself or masturbation to convey a message related to mobile phone use within a car. In this matter "The Board noted that the lyrics at the start of the advertisement could be interpreted as being a reference to touching yourself but considered that the advertisement quickly makes it clear that Derek is singing about keeping your hands off your phone". We put forward that there are clear parallels between these cases and the TVC in question although the innuendos contained within the advertisement by NSW Transport are significantly stronger than those within the TVC in question.*

- If a sexual connotation is perceived, we put forward that advertisements with much stronger sexual innuendos have and continue to be used in advertising to similar audiences. Advertisements used to engage audiences of the same demographic have, and continue to use sexual innuendos generated through dialogue and imagery, often with a much stronger than sexual connotation than we believe could possibly be derived from the TVC in question. Some of these advertisements use humorous dialogue to generate sexual innuendos whilst others utilise imagery and tone of voice to link sexual satisfaction and desires to a brand or product. A recent example is the TVC's used by Michel's Patisserie that contain clear and strong sexual visual references designed to evoke links between sexual desire and sexual climax and the product of coffee (<http://www.youtube.com/watch?v=MZhkwmx3dI>)*

*Whilst TVC's such as this elicit a response or reaction from the target audience, they are clearly accepted by the general community. Any sexual connotations that could be derived from the TVC in question are milder than those present in TV ads currently marketing to similar audience*

- If the TVC in question is interpreted to contain a sexual innuendo/connotation, then the connotation implied is milder in nature than the sexual connotations in the TV programs in which the TVC is aired. TV programs such as "Glee" and "Modern Family" are typical of high rating, family focused TV shows that use sexual references on a regular basis. More poignantly, these programs have helped transform the broader conversation and perspective with respects to sexuality and sexual preferences through character development and a strong use of humour within the programs script. Whilst some critics may argue the merits of Modern family as "family TV", it is a highly popular prime time TV program. As a program, "Modern Family" revolves around the lives of 3 families, one of which is a gay couple with an adopted daughter. The popularity of the program is derived from its' humour laden with sexual innuendos, often involving the 2 male partners.*

*We strongly believe that any sexual innuendo that could be derived from the TVC in question is significantly milder in sexual tone than many of the prime time TV shows in which it is aired. TV programs reflect what is acceptable to the general community and the general acceptance of programs such as Modern family, with high levels of sexual innuendo, reflect what is acceptable in society as a whole. Any derived sexual innuendo from the TVC in question would be milder than those contained in regularly watched and generally accepted TV programs. Accordingly, we put forward that the TVC in question would not cause serious offence to the general community and is not in breach of section 2.4 of AANA Code of Ethics.*

*We thank the board for their consideration in this matter. Please do not hesitate to contact us if we can be of further assistance.*

## **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 features a woman commenting that carpets should be professionally done over at least once a year and a man responding with “If only I was so lucky” and that this reference is sexualised and inappropriate.

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 it had previously dismissed a similar advertisement that was the same part of this advertiser’s current campaign in case 0234/14 where:

“The Board noted the look on the woman’s face when she makes reference to “two minutes” and considered that her smile and the man’s reaction are indicative of a loving relationship where each partner can and does gently mock the other in a humorous manner.”

In the current advertisement the Board noted the man’s smile and obvious humour when he makes the comment and considered that consistent with its previous determination the advertisement is presenting a typical marital situation where one partner gently mocks the other. The Board considered that the advertisement does not depict material which demeans men or women or discriminates against a section of the community.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted the complainants’ concerns that sexual references such as those in the advertisement are not appropriate for television advertisements that can be seen by children.

The Board noted that the advertisement had been rated “W” by CAD and considered the double entendre in the advertisement would be very unlikely to be understood by any children who viewed the advertisement.

Consistent with its previous decision in case 0234/14, the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

