



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0263-21
2. Advertiser :	Universal Home Theatre
3. Product :	House Goods Services
4. Type of Advertisement/Media :	Transport
5. Date of Determination	22-Sep-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This transport advertisement is on the back of a van with Queensland registration UHT 03. The text on the van reads "Hubby not good with tools? Call us and Get Mounted the right way. Your TV wall mounting specialists". It features an image of a man covered in black soot on the phone.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The advertisement makes an offensive sexual connotation (a wife getting "mounted" by a Universal Home Theatre staff member) and is sexist as it implies that women cannot use tools but need either a "hubby" or a Universal Home Theatre staff member to assist.

THE ADVERTISER'S RESPONSE



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

Advertiser did not provide a response.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement uses an offensive sexual connotation, and is sexist towards women.

The Panel viewed the advertisement and noted the advertiser did not respond.

Section 2.1: Advertising or Marketing Communication 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.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

Discrimination - unfair or less favourable treatment

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule

Gender - male, female or trans-gender characteristics

Age - based on a person's actual age (i.e. from the date they were born) and not a person's biological age (i.e. how old they may appear).

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender or age?

Women

The Panel noted the complainant's concern that the advertisement is sexist towards women by suggesting that women cannot use tools but rather need a "hubby" or a person from the advertised business to assist them.

The Panel considered that the advertisement does not suggest that women are unable to perform tasks relating to home entertainment installation themselves. The Panel considered that the advertisement suggests that if a person's spouse is unable or unwilling to perform the task, and they are either unwilling or unable to perform the task themselves, then the advertised business is available, however there is no derogatory or patronising language in the advertisement aimed at women.

Men



The Panel considered whether the suggestion that a man is unable to install home entertainment equipment, to the point that he appears to have been electrocuted (as per the image), is discriminatory.

The Panel considered that while there is a direct reference to gender in the advertisement, due to the phrase “Hubby not good with his tools?”, there is no suggestion that all men would be unable to perform such tasks. The Panel considered that the more common stereotype is that men are very capable and are the first choice for such tasks.

The Panel considered that the advertisement uses generalised language as a question to ask the viewer, rather than a statement such as “husbands aren’t good with their tools”. The Panel considered that this phrasing supported the view that the advertisement is referring to individuals and their own skills rather than a comment on gender.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender or race, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

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

The Panel noted the Practice Note for the Code states:

“Overtly sexual depictions where the depiction is not relevant to the product or service being advertised are likely to offend Prevailing Community Standards and be unacceptable. Full frontal nudity and explicit pornographic language are not permitted. The use of the word “sex” does not, of itself, make an advertisement unacceptable. However, such advertisements must not contain images that are overtly sexual and inappropriate having regard to the relevant audience.”

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel noted that a reference to being “mounted” may be considered to be a reference to sex, however considered that the advertisement does not depict sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.



The Panel noted that the advertisement uses the phrase “Call us and Get Mounted the right way” and considered that some members of the community may consider such a phrase to be sexualised. The Panel considered that the advertisement did contain sexuality.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the advertisement depicts a man however he is clothed. The Panel considered that the advertisement did not contain nudity.

Is the issue of sexuality treated with sensitivity to the relevant audience?

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.’ (<https://www.collinsdictionary.com/dictionary/english/sensitive>).

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how some sections of the community, such as children, might perceive the advertisement.

The Panel noted that the advertisement was located on the back of a vehicle and considered that the relevant audience was likely to be broad and include children.

The Panel considered that the statement, “Call us and Get Mounted the right way” may be understood by adult audiences to be referring to sexual relations. However the Panel considered that this was not a phrase which would be easily understood or interpreted by children to have a clear sexual connotation.

The Panel considered that there is a clear alternative to the phrase, being that the advertised business would be able to mount a television, particularly when noting that the banner underneath the phrase states “Your TV wall mounting specialists”.

The Panel noted that it had consistently determined that advertising with mild sexual references, which would not easily be understood to be sexual by children, were seen to treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience (0057-19, 0094-19, 0145-19, 0218-20). Consistent with previous determinations, the Panel considered that the mild level of sexuality in the advertisement was not inappropriate for a broad audience which would include children.



Section 2.4 Conclusion

The Panel determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.