



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0266-19
2. Advertiser :	Ad Standards
3. Product :	Other
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	2-Sep-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement shows a pot boiling on a stove, a hand reaches in and lifts the lid. The underside of the lid contains the wording the advertisement contains the wording "Women should be watching the stove, not the tv". This follows with wording "Terms and kinder conditions apply", and "visit Ad Standards".

THE COMPLAINT

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

I am writing to you with my concerns about an advertisement i have been seeing on tv. It is by ad standards which i find ridiculously ironic, considering the nature of the ad. It shows a pot boiling on the stove in sort of a retro setting, then it shows a womens hand lift the lid on the pot and under the lid it reads: women should be watching the stove, not the tv.

I am so incredibly offended by this! I think its so sexist, so offensive to women and i am shocked that its part of a campaign about ad standards! Can somebody please explain this to me? I am very confused by it and who on earth came up with that and why was it aloud on tv? I have a daughter and i am worried by the message it sends. I think we



live in an age now where this sort of attitude shouldn't be accepted or especially portrayed onto younger generation's. In fact no women should feel ok with that. I am hopefully speaking on behalf of many women who would feel the same by this and i hope not to see it on tv anymore. Thank you.

Why imply some bigoted male attitude which, as far as I know, never existed, unless you want to believe that fathers in the 1950's purchased new television sets, brought them home to the wife and kids, then, prevented their wives from watching? That simply isn't true. Every modern trend seems to feed into an entirely spurious feminist culture of grievance, where ignorant folk hunt for things to complain about, so this dishonest narrative of female, victimhood may go on and on, even in retrospect! Shame. Any honest, alert, un-biased individual will inform you, providing empirical evidence, that MEN are routinely demeaned, not women. Witness the un-intervention ad where the wife nods to her hairy partner and says: "If I had a chance to get some sunshine, I'll take my girlfriend, not him". Reverse the genders in this ad and it becomes Domestic Abuse, public humiliation, cause for female outrage. you people are not doing your job, and must never pretend that you are.

THE ADVERTISER'S RESPONSE

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

I note that you have received a complaint regarding one of the advertisements in the campaign, specifically:

An advertisement showing a pot boiling on a stove, a hand reaches in and lifts the lid. The underside of the lid contains the wording the advertisement contains the wording "Women should be watching the stove, not the tv". This follows with wording "Terms and kinder conditions apply", and "visit Ad Standards".

Public Awareness campaign

The television advertisement complained about is part of a public awareness campaign promoting the advertising self-regulation system's complaint resolution process, administered by Ad Standards.

The new public awareness campaign aims to challenge the community and business sectors to identify advertising that promotes social good through actions such as breaking gender stereotypes, increasing diversity and social inclusion, promoting healthy food depictions, safe driving practices, responsible marketing to children and transparency in advertising.

The advertising campaign is being broadcast across radio, TV, newspapers and billboards and is intended to be thought-provoking. The ads have been designed with the intention to challenge perceptions and remind the nation that discriminatory and offensive advertising is prohibited by the existing standards.



Response to complaint

Ad Standards prepared this public awareness advertisement with due care to ensure that the advertisement was compliant with the AANA Advertiser Code of Ethics while communicating the concepts covered by the Code.

The idea behind the advertisement complained about is to increase awareness of one of the social issues covered by AANA Code of Ethics, that is section 2.1 which prohibits the portrayal of people or depiction of material in a way which discriminates against or vilifies a person or section of the community on account of inter alia, their gender. It is also intended to encourage consumers to go to the Ad Standards website and nominate an advertisement that exceeds the advertising standards - a “kinder” advertisement.

When the advertisement is viewed as a whole, it does not portray people or depict material in a way that discriminates against or vilifies a person or section of the community. The ad uses highly stylised imagery and retro-props to create an artificial environment, coupled with provocative wording under the lid. However these depictions are followed by a call to action to celebrate “kinder” advertisements and ends with the logo for ‘Ad Standards’. The combination of the call to action, the reference to Ad Standards and the old fashioned styling result in an impression that would make a reasonable person conclude that the advertisement is casting negative light on gender stereotypes and is not condoning or depicting discrimination or vilification of women.

In this regard I note the Ad Standards case 0394/12 where the then Advertising Standards Board recognised that the depiction of confronting content in an advertisement (in that case, scenes of a young teenager being physically and verbally confronted by school peers and family members about being left handed) was intended not to offend people nor depict people in a less favourable light but to draw attention to how hurtful discrimination is of any kind.

In addition in case 0138/18 the Community Panel noted that in relation to an Australian Football League poster advertisement featuring a teenage girl in a headscarf with the word “Never” beneath her, that a reasonable person would conclude that the AFL was not promoting discrimination, and may be prompted to seek further information on the message of the campaign.

These cases illustrate that advertisements that use challenging or provocative content may be found to not be in breach of the Code if the intention to promote awareness of a public or social issue is framed in such a way as to lead a reasonable person to conclude that the call to action is actually to counter the stereotype that is depicted. In our view therefore the advertisement does not breach section 2.1. In addition, the advertisement does not breach any of the other sections of the Code of Ethics.



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 complainants’ concerns that the advertisement depicts imagery which is sexist and inappropriate.

The Panel viewed the advertisement.

The Panel noted that the advertisement is a public awareness campaign promoting Ad Standards, the secretariat that manages the administrative process of self-regulation for the Codes and Initiatives that the Community Panel adjudicates.

The Panel noted that a conflict of interest may exist for all Panel members in considering the advertisement because it promoted the role of Ad Standards and the various Codes that the Panel adjudicates within the self-regulation system. However the Panel considered that while the advertisement did promote the self-regulation system, its focus was on informing the public that advertising Codes do exist and where they could complain. The Panel considered that the advertisement did not comment on or refer to the role of the Panel. The Panel considered that there was not any material benefit to be derived by individual members of the Panel as a result of their participation in making a decision regarding this advertisement. The Panel considered it in fact had an increased duty to ensure its determination was above reproach: in this instance – by being clearly consistent with the Code and with recent prior decisions it had made. The Panel considered it could objectively apply each provision of the Code of Ethics to the advertisement, by having due regard to past decisions it had made on similar advertising images, messages and themes.

The Panel therefore determined it would proceed to consider the complaints on the basis that:

1. no Panel members were involved in the creation or execution of the advertisement;
2. there is no material benefit to be derived by individual Panel members as a result of their participation;
3. the public benefit of the advertisement, in informing the public about the existence of the range of advertising Codes and issues covered by those Codes, outweighs the detriment of any potential conflict of interest;
4. the Panel considers it can objectively apply the Code of Ethics to the ad, by having regard to past determinations on similar issues;
5. the Panel is the most qualified body to determine the complaint as opposed to an arbitrarily chosen body without the experience, structure and focus of the Panel; and



6. if the Panel does not determine the advertisement there is an absence of regulation (including consistent regulation) in relation to advertising content.

The Panel 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 Panel noted this television advertisement shows a pot boiling on a stove, a hand reaches in and lifts the lid. The underside of the lid contains the wording the advertisement contains the wording "Women should be watching the stove, not the tv". This follows with wording "Terms and kinder conditions apply", and "visit Ad Standards".

The Panel noted the complainants' concern that the advertisement is sexist because it clearly states that women belong in the kitchen which is a negative stereotype.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the advertiser's response that the advertisement features "highly stylised imagery and retro-props...coupled with provocative wording...followed by a call to action to celebrate "kinder" advertisements". The Panel considered that this description was accurate, and that the advertisement was a clear throw back to earlier decades when such a stereotype was the norm.

The Panel noted it had previously considered a poster advertisement in case 0138-18 which featured a teenage girl in a headscarf with the word "Never" beneath her. Complainants' concerns in that case were that the advertisement is racist because it gives the impression of 'never' for Muslim women in the WAFL, and marginalises Muslim women. In that case:

"The Panel noted that the specific advertisement is unclear, and could have benefitted by a question mark after the word 'never'. The Panel considered that the conclusion the complainant came to was understandable, but did not consider that it was a view that would be shared by the wider community. The Panel noted the range of activities undertaken by the advertiser in seeking to broaden the inclusiveness of its' sport and considered that a reasonable person would conclude that the Australian Football League was not promoting discrimination, and may be prompted to seek further information on the message of the campaign."

The Panel also noted case 0394-12 in which a Pay TV advertisement depicted various scenes of a teenage boy being ridiculed by friends and spoken to by his parents



regarding him being left handed. His parents speak of hoping he will grow out of it. In that case:

“The Board considered that the message given in the advertisement relating to discrimination against left handed people is not intended to offend people who are left handed but rather to draw attention to how hurtful discrimination is of any kind. The Board considered that this type of demonstration did not of itself amount to discrimination against a person or section of the community and did not breach section 2.1 of the Code.”

In the current case, the Panel considered that the specific intention of the advertisement is unclear and could have benefitted by a clearer call to action. The Panel considered that the conclusion the complainants came to was understandable, but did not consider that it was a view that would be shared by the wider community.

The Panel considered that the advertisement was tongue in cheek, and clearly an exaggeration designed to incite a response that would cause viewers to visit the website, and therefore receive more information about the campaign and the codes which set the standards for advertising content in Australia.

The Panel noted the range of activities undertaken by the advertiser in seeking to broaden the awareness of self-regulation and considered that a reasonable person would conclude that Ad Standards was not promoting discrimination, and may be prompted to seek further information on the message of the campaign.

The Panel considered the advertisement did not portray material in a way which discriminates against or vilifies a person on the basis of race and did not breach Section 2.1 of the Code.

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