



Ad Standards Community Panel
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Case Report

1. Case Number :	0268-20
2. Advertiser :	eBay Australia & New Zealand
3. Product :	Retail
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	23-Sep-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement has three versions.

Version one shows a woman pushing a trolley and speaking to her male colleague and he holds a sticky tape dispenser. She says "An order for Lego. Someone's in for some fun. Bet you love toys, you're childish". She rounds the corner and the man is shown to have wrapped the sticky tape around his head. He looks at her and says "No I'm not".

Version two shows a man and a woman speaking in a warehouse. The woman says "Someone is saving on kitchen stuff from eBay." The man replies "That's where I get all my essentials from. Just, magically turns up at my door". He wiggles his fingers and says "woooo". The woman asks him how he thinks that happened and he shrugs and says he doesn't know.

Version three shows a man and a woman speaking in a warehouse. The woman says "Looks like membes are getting free and faster delivery with eBay plus". The man replies "It's like the fast and the furious in here". The woman says "I've found the furious" as she nods towards a man driving a forklift who is staring at them.

THE COMPLAINT

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



The series of these commercials produced for Ebay depict young men as being brainless buffoons. In one of the commercials the young woman describes her young male colleague as being childish and he is then shown wrapped in tape. In another the young man is depicted as stupid, having no idea of how a parcel ends up on his doorstep. The stereotyping of men as being idiots damages their confidence and self esteem.

Every one of these eBay ads depicts both a woman and a man as the main characters. In every iteration, the woman is portrayed as the intelligent one, and the man as 'childish' (actual word used in the ad), stupid, unintelligent, 'furious' (actual word used in the ad). In my opinion, this is insulting to all men, even though it is probably meant to be funny. But consider if the roles were reversed, and it was a man who was belittling a woman. The ads wouldn't have lasted a week. If they continue to air these ads, then the genders should all be the same (man belittling a man, or a woman belittling a woman).

THE ADVERTISER'S RESPONSE

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

We refer to the complaint made in connection with the eBay Plus 'Posties' series of advertisements featured on free to air television during August 2020 (Advertisements). We thank you for the opportunity to provide a response to this complaint.

Background – the eBay Plus 'Posties' advertising campaign

The Advertisements are part of eBay's campaign to position eBay as a premier provider of on-line shopping services to Australian consumers. Consumers can easily purchase products at competitive prices from the eBay website, which are then efficiently, and within a minimal timeframe, shipped to consumers. The Advertisements reflect the focus of eBay on responsive, expeditious customer service to maximise a consumer's experience with the eBay brand. This focus on customer service is highlighted in the advertisements by playfully demonstrating the interaction between two eBay employees, both of whom work in eBay's warehouse. The friendly banter between colleagues highlights the diverse range of products offered under the eBay brand and pokes fun at the process of fulfilling customer deliveries quickly and efficiently. The target audience for the Advertisement is on-line shoppers who are adults aged 18 years and over. The observations in the Advertisement are intended to be light-hearted, humorous and memorable, particularly insofar as they depict eBay's employees working behind the scenes to ensure that customer orders are fulfilled.

Response to issues raised in the complaint



eBay is committed to conducting all advertising and promotions to the highest standards and we take seriously any complaints made in relation to our advertising and promotions.

As requested, we have addressed the complaint by reference to all relevant advertising codes, being the AANA Code of Ethics (Code of Ethics).

Having considered the Advertisements and the complaint, as well as the requirements of the Code of Ethics we respectfully submit that the Advertisements do not in any way contravene the Code of Ethics.

Please note that we have not assessed the complaint by reference to the:

- AANA Wagering Advertisement and Marketing Communications Code as eBay is not a licensed wagering operator;*
- AANA Food and Beverage Marketing and Communications Code (please see our explanation below); or*
- AANA Code for Advertising and Marketing Communications to Children (please see our explanation below).*

Application of the AANA Food and Beverage Marketing and Communications Code

We submit that the AANA Food and Beverage Marketing and Communications Code does not apply to the Advertisements. Although food and beverage products as defined in section 1 of the AANA Food and Beverage Marketing and Communications are offered for sale by eBay, the Advertisements do not advertise or market food or beverage products and therefore the relevant advertising code regulating the Advertisements is the Code of Ethics.

Application of the AANA Code of Advertising and Marketing Communications to Children

We submit that the AANA Code of Advertising and Marketing Communications to Children does not apply to the Advertisements for the following reasons:

- a 'child' for the purposes of the AANA Code of Advertising and Marketing Communications to Children is a person 14 years old or younger;*
- the target audience for the Advertisements is on-line shoppers who are adults aged 18 years and older;*
- the language and tone of the Advertisements are not of a childlike nature, and do not feature scenarios which are aimed at or are appealing to children; and*
- the Advertisements are not directed or targeted to children and have not been placed in media which is specifically directed or targeted to children.*

Code of Ethics



We submit that, having regard to section 2 of the Code of Ethics, the Advertisements do not contravene the Code of Ethics.

The Advertisements do not contravene section 2.1 of the Code of Ethics as the Advertisements do 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 Advertisements are in no way discriminatory, inappropriate or derogatory to males. The Advertisements present to the target audience humorous situations that might arise in fulfilling consumer purchases from eBay and are intended to highlight the variety of products which are or may be purchased through the eBay platform and the playful interaction between staff that might arise. The Advertisements are intended to be, and eBay submits, are obviously light-hearted, exaggerated and tongue-in-cheek as regards both males and females in order to connect with the target audience. eBay submits that neither members of the target audience, nor the broader community could reasonably and objectively conclude that the Advertisements are discriminatory, inappropriate or derogatory to males.

The Advertisements do not contravene section 2.2 of the Code of Ethics as they do not employ sexual appeal using images of a person under the age of 18 years nor do the Advertisements employ sexual appeal in a way which is exploitative or degrading of any individual or group of people. There is no debasement or abuse of any person or group of people.

The Advertisements do not contravene section 2.3 of the Code of Ethics as they do not contain any violent graphics or imagery.

The Advertisements do not contravene section 2.4 of the Code of Ethics as they are not sexually suggestive, nor do they contain nudity or references to sex.

The Advertisements do not contravene section 2.5 of the Code of Ethics as they feature language which is appropriate for the relevant audience and medium and do not feature strong or obscene language.

The Advertisements do not contravene section 2.6 of the Code of Ethics as they do not depict any material which is contrary to prevailing community standards on health and safety, including any unsafe practices or images.

The Advertisements do not contravene section 2.7 of the Code of Ethics as they are clearly distinguishable as advertising to the relevant audience.

We note that sections 1 and 3 of the Code of Ethics do not apply to the Advertisement.

On the basis of the above, we do not consider that the Advertisements contravene the Code of Ethics, having regard to section 2 of that Code or otherwise.



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 advertisements:

- stereotype men as idiots which can damage their self-confidence and self-esteem
- shows women as intelligent and men as childish, stupid, unintelligent and furious.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that the complaints related to three separate advertisements which depicted the same two characters.

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 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 advertisements are in no way discriminatory, inappropriate or derogatory to males.

The Panel noted that the first version of the advertisement featured the woman calling the man childish, and the man responding that he wasn't whilst his face was wrapped in tape.

The Panel considered that the situation depicted was light-hearted and humorous. The Panel noted that the situation depicted light-hearted horseplay between co-workers. The Panel noted that the woman's comments were in relation to her interpretation of the man based on his actions, and considered that her comment referring to him as childish was not because of his gender. The Panel considered that the man was not seen to receive unfair or less favourable treatment because of his gender.

Overall the Panel considered that this version of the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.



The Panel noted that the second version of the advertisement featured man making a comment that when he purchases goods at eBay they magically turn up at his door, the woman asks him how he thinks that happened and he shrugs and says he doesn't know.

The Panel noted that the situation is humorous as the man is depicted in a role where he is responsible for delivering goods to people. The Panel considered that the advertisement does portray the man as stupid. The Panel considered that the depiction was in relation to the particular character and that the advertisement does not refer to the man's gender or suggest that he is stupid because of his gender.

The Panel considered that the man was not seen to receive unfair or less favourable treatment because of his gender. The Panel considered that the man was not depicted in a manner which ridiculed or humiliated him on account of his gender.

Overall, the Panel considered that this version of the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Panel noted the third version of the advertisement features the same two characters speaking in a warehouse, with the man commenting that it's like fast and the furious in the warehouse and the woman commenting that she has found the furious, nodding towards a man driving a forklift who is staring at them with a stern look on his face.

The Panel considered that the two colleagues are speaking together as equals and the man is not shown to receive unfair or less favourable treatment. The Panel considered that the woman's comments in relation to the forklift driver being furious is a reference to the stern look on the man's face, and is not a reference to his gender. The Panel considered there is no suggestion in the advertisement that all men are furious, or that the man is portrayed as angry because of his gender.

Overall, the Panel considered that this version of the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Panel noted that the accumulated impact of the advertising campaign may lead to a different impression in viewer's minds. The Panel noted that its main role is to consider the content of individual advertisements and not campaigns as a whole, as not all viewers would be exposed to all versions of the advertisement.

The Panel acknowledged that when an advertisement depicts two people from different demographic groups, such as genders, there is a tendency for some viewers to see those people as a representative of all members of that demographic, not as an individual. However, the Panel considered in the three advertisements there was no indication that the men and woman depicted were representative of their genders or that their actions were motivated by gender. The Panel considered that the three



versions of the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and did not breach Section 2.1 of the Code.

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