



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0275-20
2. Advertiser :	Chemist Warehouse
3. Product :	Toiletries
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 features a woman looking at perfume in a store. A male sales assistant approaches her and says "A scent can leave a lasting impression, and this one's only (price)." The woman replies "Not at Chemist Warehouse it's not" and the man speaks in unison for the "Chemist Warehouse it's not" in a mocking tone.

THE COMPLAINT

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

A non-progressive cheap shot, supporting an offensive stereotype of a gay male.

The male sales assistant is portrayed as gay. When he parrots the customer, he does so in a particularly stereotypical 'gay' voice, coupled with an angry and snarly facial expression. The customer is obviously offended enough to turn and walk away. Negative stereotypes of any minority groups shouldn't be allowed on public media platforms, especially when they are negative. Such stereotypes are known to be harmful to the mental, and other health, of individuals that identify with these groups. And they further stigmatise these groups by breeding hatred which leads to violence and discrimination.

THE ADVERTISER'S RESPONSE



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

Thanks for the opportunity to respond to the complaints re Case reference number: 0275-20

We respond as follows;

Discrimination or vilification

We contend that the advertisement is neither discriminatory nor does it vilify any person or group of people.

Exploitative or degrading

We contend that the advertisement is neither exploitative nor degrading

Violence

We contend that the advertisement is not violent and the actions objected to are not excessively violent but are a simple parody of popular culture movies and video clips.

Sex, sexuality and nudity

We contend that the advertisement contains no overt sex, nudity or sexuality.

Language

We contend that the advertisement contains no offensive language

Health and Safety

We contend that the advertisement is consistent with societal norms in regards to health and safety,

To directly respond to position put in the complaints, we say that the character represented in this advertisement is a “stylised” retail sales assistant working on a fragrance counter, there is no intention to convey sexuality in our portrayal of this character.

We further contend not only was it not our intention to convey sexuality but in execution we have not portrayed sexuality either directly nor indirectly.

The actions, manner, representation and overall presentation is not intended to be the portrayal of a gay man but rather a “typical or stylised” aloof retail assistant working at a high end retail fragrance counter.

The intent to represent the aloof nature of a male sales assistant who may work at a high end retail fragrance counter and not a stereotyped gay male, is made even more apparent when you review a similar advertisement made using a female sales assistant (advertisement provided).

It is clear that the stylised nature of her actions and demeanour are intended to portray her as aloof nature as a high end retail assistant and not a particular sexuality. The same is true of the advertisement subject to these complaints.



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 contains offensive stereotypes of gay men.

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

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 character in the advertisement represents a stylised retail sales assistant and there is no intention to convey the man's sexuality.

The Panel considered that while the man's sexuality is not referred to, the voice and actions of the man could lead to the man being identified as gay through well-known stereotypes.

The Panel considered that the situation depicted was light-hearted and humorous. The Panel considered that the man in the advertisement was depicted as a haughty shop assistant who had the position of power in the advertisement. The Panel noted that when the man mimics the woman, his facial expression and tone indicates that he has heard the phrase many times before. The Panel considered that the woman is not seen to mock the man, or treat him in an unfair manner.

The Panel acknowledged that when an advertisement depicts two people from different demographic groups, such as their sexuality, there is risk that the people will be viewed by some in the audience as intended to be representative of all members of that demographic, rather than as an individual. However, the Panel considered that there was no direct indication that the man was homosexual and he was not depicted in a manner which showed him receiving unfair or less favourable treatment. Further, The Panel considered the man was not depicted in a way which humiliated or



intimidated him, or showed him in a manner which would incite hatred contempt or ridicule.

The Panel considered that 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 sexual preference 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 complaints.