



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0304/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Reckitt Benckiser (Aust) Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>House goods/services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/08/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Race
- 2.1 - Discrimination or Vilification Sex

### DESCRIPTION OF THE ADVERTISEMENT

An apology for men's toilet habits is read out in a solemn voice whilst we see males of varying ages in the bathroom. References are made to bad aims, not flushing and bad smells. The TVC finishes with a male voice-over stating, "Harpic White & Shine – cleans up their act every time".

### THE COMPLAINT

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

*I feel that this ad is sexist and extremely demeaning to all males.*

*If this type of advertisement was allowed to continue it would lead particular young boys to consider themselves as a lesser person than their female siblings. Children regardless of gender should be allowed to grow with confidence and not be belittled by advertising companies who are only chasing a quick dollar.*

*I feel that this ad is sexist and very demeaning to both men and boys.*

*No person should have to apologize for their gender and furthermore young boys should not be made to feel that they are any less a person than their female siblings.*

*The advertisement was offensive and sexist; implying that all men and only men (not women) were inept in maintaining clean toilet habits.*

*The definition of sexist is "attitudes or behaviour based on traditional stereotypes of sexual roles; discrimination or devaluation based on a person's sex..." (Dictionary.reference.com). To pigeonhole all males as having poor toilet habits in my opinion falls within the category of sexism and the advertisement is extremely offensive and insulting to the male gender. Reducing the apology for what white settlers did to the original inhabitants of Australia to the level of apologising for leaving toilets dirty.*

*I find this advertisement degrading inaccurate and sexist. It apologizes on behalf of all men for how males (according to the advertiser) use the toilet.*

*If this ad depicted women in the same manner apologizing for how they use the toilet then there would be an outcry of sexism. It seems sexism towards males is not only acceptable but is supposed to be funny as well.*

*This ad is sexist it singles out and stereotypes the male gender and portrays us as inferior and needing to apologize for a lack of toilet training.*

*This is insulting and sexist rubbish which should be taken off the air immediately.*

*This ad implies that it is only men who make mess in toilets when of course all both genders do. I consider this ad offensive and SEXIST - it should be pulled.*

*I find that this ad is discriminatory to men they have only got men saying sorry but everybody sometimes makes a toilet dirty.*

## **THE ADVERTISER'S RESPONSE**

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

*We submit that the TVC does not portray or depict material in a way which discriminates against or vilifies men and boys. Further, to the extent that the complaints alleged that the TVC was demeaning to just boys (as opposed to men and boys) we submit that the TVC does not breach Section 2.4 of the Code of Ethics or the AANA Code of Advertising & Marketing Communications to Children ("Children's Advertising Code"). This is because the TVC is not directed primarily to children and the goods that are the subject of the TVC are not targeted towards, or have principal appeal to, children. Accordingly, the Children's Advertising Code does not apply.*

*The approach taken in the TVC is clearly intended to be light hearted, humorous and tongue-in-cheek. It is obvious that the advertisement is not intended to, and is unlikely to, be taken by reasonable Australian consumers to mean that a genuine and serious apology is being made by males of Australia or that the subject matter of the TVC is one that requires a formal, gender-wide apology throughout Australia. The TVC is a humorous portrayal of an existing commonly accepted stereotype of male toilet behaviour. It is clearly not intended to comment on the truth of the stereotype, but merely uses it to engage the target market. To perceive the TVC as being sexist or demeaning to both men and boys (as alleged in the complaints) is to ignore the overwhelming tongue-in-cheek portrayal of male toilet behaviour. Indeed, we submit that no reasonable person in Australia would understand the TVC to be a serious indictment of Australian male toilet behaviour. Further, given the unique Australian sense of humour which the Australian Government website at <http://australia.gov.au/about-australia/australian-story/austn-humour> describes as being "dry, full of extremes, anti-*

*authoritarian, self-mocking and ironic” the TVC is highly likely to be perceived as comical more than anything else.*

*To confirm this view, we instructed Firefly Millward Brown to conduct extensive market research in relation to the TVC before airing it. Of particular note, the market research revealed that the ‘Apology’ concept displayed in the TVC was “highly engaging” and “based on a true insight for all users – that men/boys are making the mess”. Other comments from ordinary consumers who participated in the market research included:*

- *“It’s funny, and I have 4 boys so I really relate to it”*
- *“it’s funny, because its true”*
- *“It says that everyone has this problem”*

*The concept was also commended for its ability to “unify users ... in an Aussie, light hearted way”. The reference to Harpic “clean[ing] up their act” is a witty play on words which adds to the general light-hearted tone of the entire TVC.*

*We also submit, in addition to our general comments above, that the advertisement does not imply that “all men, and only men (not women) were inept in maintaining clean toilet habits”. In fact, particular care was taken to ensure that the ‘apology’ in the TVC was not an apology to women, but rather an apology about the mess caused. This is reinforced by the fact the narrator/voice over’s voice is male – which sends the message that males also care about clean toilets.*

*We submit that because of the obvious tongue-in-cheek nature of the TVC, no reasonable person would perceive it as sexist or demeaning to men and boys and that the perceptions of the complainants about the TVC are not reflective of the general Australian public.*

*In light of the above, we strongly urge the Board to dismiss the complaints and look forward to receiving the Board’s determination in due course.*

## **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 is discriminatory and demeaning in its depiction of men as the only sex that have ‘bad’ toilet habits.

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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement features men and young boys apologizing about their various bad habits in the bathroom, including behaviour like not flushing the toilet.

The Board noted the advertiser’s response that the advertisement is intended to be humorous and tongue-in cheek. The advertisement depicts scenes within bathrooms, and includes

comments by boys and men relating to commonly referenced male toileting behaviour. The Board considered that the males in the advertisement were represented in a stereotypical way.

The Board considered that the portrayal of the males was not negative, particularly as the men present in a positive manner trying to repair or apologise for their behaviour, and that reasonable consumers would not perceive this as a genuine, serious apology on behalf of all males, but rather a humorous way to connect the product to the behaviour portrayed.

Based on the above the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

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