



Case Report

1	Case Number	0306/11
2	Advertiser	Energy Watch
3	Product	House goods/services
4	Type of Advertisement / media	TV
5	Date of Determination	24/08/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

A man sits on the lounge seemingly watching the big screen TV. His friend comes into shot with snacks for watching the game. All of a sudden the friend realises that the big TV is turned off and that they are watching the game on a tiny TV instead. The friend tries to protest as he wants to watch the big game on the big TV. The homeowner points out he can't afford it as his electricity bills are getting too much for him to handle and are overdue. At this point the Energy Watch Electricity Umpire appears, wearing shorts and a cropped singlet top, and informs them that they can now compare their electricity rate and seek a better deal so that they can afford to watch the game on the big screen TV.

THE COMPLAINT

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

I was offended by the need for the energy watch spokeswoman to dress in a skimpy gym outfit with her cleavage showing to explain to these two guys about energy watch. The message was clearly not getting across as they seem too interested in her body. The advertisers must think people are simple if they will watch this ad and take the message on.

Offended that she is standing before them and puts one leg up on the coffee table - you can see almost all the way to her private area with the skimpy black shorts.

Offended that the one man looks her up and down (below areas particularly).

They could have given their message and had it heard without her leg up on the coffee table and the man looking her over!

THE ADVERTISER'S RESPONSE

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

Section 2.1 of the code states that "Advertising or Marketing Communications 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, sex, age, sexual preference, religion, disability or political belief." The female is listened to intently; she is treated with respect from the home owner and the friend. No discrimination is being shown towards the female.

Section 2.3 of the code states that "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone." To comply with the marketing code the actress in the ad is not wearing any offensive clothing. The ad with the female in the singlet was designed for programs with a high male skewed audience and later time zones, which complies with section 2.3 of the code. The males look at the female in shock as they cannot understand where she has come from as she has appeared from nowhere. As stated in the complaint itself, people wear this exact outfit at gyms, and parks and sporting grounds all around the country every day. The singlet covers her whole chest area and the shorts are standard black shorts which were purchased at a sporting shop.

THE DETERMINATION

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainants' concerns that this advertisement features an inappropriately dressed woman and the focus is on her body and not the product.

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 two men arguing over whether to watch sport on the television when a woman appears to tell them how they can lower their

electricity bills using Energy Watch and thus watch the television without worrying about the expense.

The Board noted the woman is wearing shorts and a cropped singlet top with 'electricity umpire' written on the back. The Board considered that the clothing of the woman is sporty and is not unrealistic for an "umpire" to wear and that the depiction of the woman in the advertisement is not objectifying or discriminatory. The Board noted that the reaction of the men to the presence of the woman was one of relief that they could watch the game on television and considered that the men do not treat the woman as an object in the advertisement but as a source of information.

The Board considered that the advertisement did not depict any material which objectified or discriminated against men or women.

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.