



Case Report

1	Case Number	0308/17
2	Advertiser	Kleenheat Gas
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/07/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man, Rodney, who is holding a garage sale on his front lawn because he is moving. A female character, Karen, explains that moving house is also a good time to move to Kleenheat because they give you 20% off your gas charges. Annoyed at Karen, Rodney snatches back a lamp she is holding, rubs it and magically turns into a garden gnome.

THE COMPLAINT

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

Ad makes fun of stereotyped elder male. If this ad used a female, aboriginal, muslim, homosexual, etc. in the same manner it would never have been allowed to go to air.

THE ADVERTISER'S RESPONSE

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

Firstly, we would like to apologise for any upset caused to the complainant by our TV advertisement that has been running on free to air TV channels. This was not our intention and we treat any complaints received with the utmost seriousness.

With 60 years' experience in the gas industry, we are committed to our values:

Safety: we care about the safety of our people, customers and community above everything we do

Accountability: we hold ourselves accountable to achieve great results individually, in our teams and as a company.

Teamwork: we strive for diversity, collaboration, sharing information and constructive challenge, recognising this is critical to our success.

Improvement: we deliver energy solutions in efficient and innovative ways, benefiting our customers, the environment and our shareholders.

Integrity: we always operate in an ethical, open and honest way.

The Western Australian residential gas market had a single provider until 2013. Kleenheat's entry into the market brought choice of gas suppliers to WA consumers for the first time. Kleenheat's advertising is aimed at raising awareness of the alternative provider of this service. In that context, a campaign that was memorable and engaging (even if a bit silly) was necessary for a group of consumers not accustomed to a competitive residential gas supply market.

The TV advertisement in question is part of a series of advertisements featuring the same characters. The characters are developed in the minds of the viewer through their exploits over the course of the advertising campaign. So this TV advertisement can also be viewed in the context of the advertising campaign as a whole.

Set out below is our detailed response which addresses all parts of Section 2 of the AANA Code of Ethics.

2.1 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

We do not believe that the advertisement in question discriminates against or vilifies a person or section of the community based on the specifics detailed above.

Yes, 'Rodney' is depicted as a little boring and confusing in his dialogue. He is purposefully shown as complex and dated in approach (akin to traditional energy providers). This is our intention; we want the audience to compare the other character, 'Karen', to him as being modern, straight talking and someone the audience can warm to, like the Kleenheat brand. We also want our audience to warm to 'Rodney', but in a different way, finding him amusing if a little irritating, rather than vilify or discriminate against him.

The relationship between the two characters is friendly, and 'Karen's' attitude towards 'Rodney' is never demeaning or condescending.

None of the humour used in this advertisement uses race, ethnicity, nationality, gender, age,

sexual preference, religion, disability, mental illness or political belief to get the message across, as obviously it should not.

2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

The advertisement in question does not reference sexuality in any way and, as such, there is no possibility the advertisement could contravene this provision of the Code. Humour is employed in the advertisement to differentiate the brand and to aid brand recognition and alignment with consumers, but none of the humour is of a sexual nature.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.

The premise of the advertisement in question is one that is based upon fanciful humour: the interaction between two very different characters creates scenarios which would not and cannot happen in real-life. The advertisement is slapstick, the events a bit ridiculous and it is intended to be entertaining and humorous. As such, there is no menace in the advertisement.

'Rodney' embodies the perception many consumers have of traditional energy companies, complicated and confusing. 'Karen' portrays Kleenheat's brand difference of making things simple to understand. The action in the scene where 'Rodney' turns into a gnome is justifiable in the context of portraying the simplicity of saving money by switching to Kleenheat from a more complicated provider. It is a way of cutting through this complication and confusion to make it easier for the audience. Taking away the complicated and replacing it with simplicity.

The scenes depicted are purposely silly to ensure as much as possible that the action used to dispense of 'Rodney' is not seen as violent but instead amusing, engaging and importantly unexpected to help ensure that the brand is remembered by the audience. 'Karen's' response to 'Rodney' turning into a gnome adds to the unexpected nature of this and shows that she had nothing to do with this act, it is a complete surprise.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

As noted above, the advertisement in question does not reference sexuality in any way and, as such, there is no possibility the advertisement could contravene this provision of the Code.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The advertisement in question uses language that is appropriate in the circumstances and, in particular, does not utilise any strong or obscene language.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The advertisement in question is based upon fanciful humour and depicts a scenario that

would not happen in the 'real world'. The scenario in the advertisement where 'Rodney' turns into a gnome is exaggerated and far-fetched. This is not something that would happen in everyday life.

Considering this, we do not believe that the scenario depicted includes material contrary to prevailing community standards on health and safety as it is not a scenario that could ultimately manifest itself in everyday life.

As explained in our response to section 2.1, we have not sought to vilify or demean any of the characters depicted on screen. The two characters used have a jovial relationship. 'Karen' is never condescending to 'Rodney' and always supportive, albeit a little bemused by him at some points. The incidents that occur to 'Rodney' are never triggered or inflicted on him by 'Karen', nor could they be as they are fanciful scenarios that happen from nowhere.

We look forward to hearing the Board's response.

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 makes fun of a stereotyped older man which is not appropriate.

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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted this television advertisement features a woman explaining why it is a good time to switch to Kleenheat to an older man who is holding a garage sale prior to moving house.

The Board noted that it had previously dismissed similar complaints about advertisements for the same advertiser in case 0189/17 where:

"The Board noted that this television advertisement depicts a man pulled in to the air by an unseen force before reappearing with a barbeque wrapped around his body.

The Board noted the complainant's concern that the advertisement suggests it is acceptable to inflict pain on stupid men. The Board noted that the advertisement features a man and a woman discussing the savings to be made by switching to Kleenheat and considered that although it was the man who was blown away by an unseen force, it could just have easily been the woman and in the Board's view the actions happened to a generic character, not a person on account of their intellectual ability or gender. The Board considered that most reasonable members of the community would recognise that the advertisement is not

presenting a realistic scenario and that there is no suggestion that men, or people with lower intelligence, should be treated differently or have pain inflicted upon them.”

The Board noted in the current advertisement that the man turns in to a garden gnome after rubbing a lamp and considered that the scenario is clearly unrealistic and there is no suggestion that this man has been changed because of his age and/or gender, and in the Board’s view it could equally have been a woman playing this part and the advertisement would be the same.

The Board noted the Practice Note to Section 2.1 which provides: “Advertisements can suggest stereotypical aspects of an ethnic group or gender with humour provided the overall impression of the advertisement is not a negative impression of people of that ethnicity or gender.

The Board acknowledged that the advertisement does play on stereotypes of age and gender with regards to the man’s clothing, love of gnomes, and general mannerisms, but considered that these stereotypes are not depicted as negative and in the Board’s view the manner in which he is presented does not portray him in a negative light. The Board considered that the advertisement does not suggest that men or older people should be thought any less of when compared to women and/or younger people.

The Board 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 age or gender and 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.