



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0327-20</b>
<b>2. Advertiser :</b>	<b>Fallon Solutions Pty Ltd</b>
<b>3. Product :</b>	<b>House Goods Services</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>11-Nov-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman walking into a room and saying to her male partner, "Michael the sink's leaking again".

He says, "Righto I'm on it", and pulls a roll of duct tape out of a drawer.

She says, "What with duct tape?"

He shrugs and says, 'yeah, there's nothing it can't do".

She says, "yeah...you're right" and takes the duct tape from him. She pulls a section of tape out and he flinches.

The woman is then shown on the phone to Fallon Solutions. The man can be seen in the background taped to a chair with a piece of tape over his mouth.

The woman is then supervising a plumber who is fixing the sink.

A voice over then gives details of the business.

The man who is still taped to the chair hops into the room and then nods approvingly at the plumber's work.

### THE COMPLAINT

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

*I feel it suggests that restraining a partner one disagrees with is acceptable behaviour. Women die in Australia on a regular basis from domestic violence, and anything that suggests restraining someone in any manner is acceptable behaviour, whether it is woman restraining a man or a man restraining a woman, is totally unacceptable.*



*The ad treads on thin ice, the way I see it the ad promotes domestic violence towards men. The wife uses gaffa tape to tape over the husbands mouth and to bind him to a chair. The husband cannot escape. If this was reversed and the husband bound his wife certain advocacy groups would be outraged. I am offended that this is allowed to happen to a man, nobody, husband or wife should be gagged and bound to a chair, even if it is only part of a marketing campaign for plumbers and electricians.*

## **THE ADVERTISER'S RESPONSE**

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

### *Submissions*

1. *The advertisement is clearly intended to be viewed in the context of humour*

*Our primary submission is that the advertisement is clearly a humourist, exaggerated and over-the-top scenario of a domestic maintenance problem and its resolution.*

*The advertisement uses visual humour as a device to help highlight competent vs. incompetence approaches to dealing with household plumbing maintenance. The light-hearted and wholly non-serious context of the advertisement is important to consideration of whether any violence is suggested, shown and/or condoned.*

*The scenes of a male taped to a chair are not a gratuitous or harmful act of violent restraint against his will. They are an exaggerated comedic response to amplify the message that the female is competently taking charge of the situation. The male's restraint provides humour and does not reasonably encourage mimicry in real-life settings.*

*Relevant considerations are:*

*(i) The advertisement forms part of a series of advertisements broadcast during a campaign period. Each advertisement in the series centres around a playful and humorous creative theme that sets the characters and their maintenance scenarios in a light-hearted context.*

*Links to view each advertisement are below.*

*Duct tape 30 <https://www.youtube.com/watch?v=t0muddB2pAk>*

*Frozen Out 30 <https://www.youtube.com/watch?v=aTxssNfNQzU>*

*Short Fuse 30 <https://www.youtube.com/watch?v=NZQtPtoed0>*

*Switch 30 <https://www.youtube.com/watch?v=QYgp4de3JFw>*

*(ii) In each advertisement in the series a whimsical over-the-top / exaggerated portrayal takes place as a motif for the series.*



(iii) *In each advertisement a common domestic maintenance scenario is faced by a happy couple. This couple (Michael and Carlene) are well known and popular to many viewers. Their relationship was a feature of a recent season of the reality television program “The Block”. To many viewers they are instantly recognisable and well-liked for their close teamwork as fun-loving renovators on that show.*

(iv) *The male partner (introduced as ‘Michael’) is humorously portrayed as totally incompetent at fixing things by resorting to sticky tape solutions. In contrast the female partner in the advertisement (and in each advertisement in the series) confidently takes charge of the situation and sorts out the problem by calling in an expert technician from Fallon Solutions.*

(v) *The exaggerated gesture of taping Michael to the chair is to protect him from his own incompetence at household plumbing tasks. The duct tape is used to keep Michael from meddling with his shoddy approach to maintenance. His incompetence is part of the joke set up at the start of the advertisement. In the context of the scenario and the couple’s relationship the act of taping Michael to a chair is an exaggerated playful gesture to keep him from intervening.*

(vi) *In the scene when Michael is first shown taped-up he shows a deflated reaction when the ‘expert’ (a qualified Fallon Solutions plumber) appears to fix the problem. There is no suggestion from Michael’s emotional cues of any distress, threat to safety or being harmed.*

(vii) *In the final scene Michael (still taped-up) bounces into shot, nods in satisfied approval with the expert’s outcome and makes an audible ‘hmm hmm’ sound which conveys his approval of the job well done. This evidences that he is supportive of the situation and not in any way feeling distressed, violated or threatened.*

## *2. Precedent advertisements and determinations*

*We note there is a wide body of precedent in advertising practice and in Advertising Standards Board determinations in relation to similar depicted scenes in the clear context of humour.*

*In the Kosciusko Thredbo Pty Ltd advertisement (complaint reference number 278/07 [www.adstandards.com.au/case/278-07](http://www.adstandards.com.au/case/278-07)) a male was physically restrained by being tied to fence while girlfriend shoots tennis balls at him and one hits him in the testes.*

*Advertising Standards Board dismissed the complaint determining:*

*“The Board considered that this is a clear exaggeration and humour would make it unlikely that anyone would mimic this behaviour”. Using the same determination, a dismissal would be the appropriate response to this complaint against our commercial.”*

*We submit that this same interpretation validly applies to our advertisement.*



3. *The advertisement is intended as being empowering to females*

*Furthermore, to respond more broadly to criteria in Section 2 of the AANA Code of Ethics, we submit that the advertisement is a positive representation of a progressive societal attitude challenging gender role clichés and is empowering to women.*

*As a consumer brand in the Brisbane and Gold Coast residential home services markets we consider it important to be part of a progressive community conversation around empowering the role of women in activities where there has been a bias to portraying males as impliedly more competent and as default decision makers.*

*A large segment of our customers are female householders. We feel it is important to champion their abilities to take control of maintenance matters without deferring to the tired 'man of the house' cliché. We submit that this is empowering and is not exploitative or degrading to either females or males. The context of this reversal of cliché is an important and positive aspect of the advertisement.*

4. *Conclusion*

*We appreciate the opportunity to explain why our advertisement does not contravene section 2.3 of the AANA Code of Ethics in relation to the complaint raised pertaining to violence/domestic violence and does not breach any of the other matters in that section of the Code.*

*We confirm that the advertisement has been reviewed by ClearAds on 29/06/2020 (reference number 2872673) with a G rating (enclosed).*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that:

- The advertisement suggests that restraining a partner that one disagrees with is acceptable
- The advertisement promotes domestic violence against men.

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

**Section 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 Panel noted the Practice Note for the Code includes: "Realistic depictions of the consequences of violence are not acceptable. More leeway is permitted where the



depiction is stylised rather than realistic. However, advertisers should exercise caution when using cartoon violence as a cartoon style may be attractive to children.”

### **Does the advertisement contain violence?**

The Panel noted that there is no definition of violence in the Code or the Practice Note.

The Panel noted that the woman pulls the roll of tape in an aggressive manner. The Panel noted that the woman isn't actually seen to restrain the man, however he is shown to be restrained. The Panel considered that restraining a person with tape is an act which is menacing and would be considered an act of violence.

### **Is the violence justifiable in the context of the product or service advertised?**

The Panel noted that the service being advertised was plumbing and other home repairs.

The Panel acknowledged that domestic violence is a serious issue and that domestic violence can be perpetrated by both men and women.

A minority of the Panel considered that a suggestion of domestic violence is never appropriate to depict in an advertisement. The minority of the Panel considered that the depiction of the man being restrained was a depiction of a domestic violence which was not appropriate in the context of advertising home repair solutions.

The majority of the Panel considered that the man did not appear scared or harmed by the woman's actions. The Panel noted that the last frame of the advertisement depicted the man comically hopping into the room and looking approvingly at the job being done by the tradesperson. The Panel considered that while there is a suggestion of violence in the advertisement this is exaggerated and comical. The Panel considered that the couple's actions were unlikely to be taken seriously by most members of the community. Overall, the Panel considered that the violence in the advertisement was suggested rather than depicted, and was not inappropriate in the context of advertising this service.

### **Section 2.3 conclusion**

In the Panel's view the low level of violence portrayed in the advertisement was justifiable in the context of the product or service advertised and did not breach Section 2.3 of the Code.

### **Conclusion**

Finding that the advertisement did not breach the Code on any other grounds, the Panel dismissed the complaints.