



Case Report

1	Case Number	0348/17
2	Advertiser	Content Living
3	Product	Real Estate
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/08/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

There are four versions of this television advertisement, each featuring a group of four people seated around a table playing cards. Instead of normal playing cards, these cards feature floor plans and descriptions of design features for a home, for example, High ceilings and floor coverings, Solid stone benchtops & three bathrooms, 300 squared metres and air con. The objective of the game appears to be to design the best house. The final on screen image is of a playing card which reads, "The Full House Range" and the advertiser's name and website address, contentliving.com.au.

THE COMPLAINT

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

This advertisement stereotypically portrays certain looking people living in certain types of homes. The Western Asian looking lady doesn't even say anything in the ad. I believe it discriminates on many levels according to the AANA Code of Ethics 2.1

THE ADVERTISER'S RESPONSE

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

Complaint Reference No. 0348/17 Advertiser: Content Living

I refer to your letter and respond to the complaint as follows.

We disagree that the advertisement stereotypically portrays certain looking people. There is no suggestion that any of the four persons involved come from a particular class or socioeconomic background. Further, there is nothing in clause 2.1 of the AANA Code of Ethics prohibiting the portrayal of “stereotypically looking people”.

We disagree that the “Western Asian looking lady” is vilified by the advertisement. We understand the word “vilify” means “to humiliate, intimidate or incite hatred towards or contempt or ridicule of a person”. Nothing in the advertisement suggests that.

We disagree that the “Western Asian looking lady” is portrayed in the advertisement in a way that discriminates against her or any section of the community on the basis of race or gender. She is portrayed as one of four Australian consumers in a social setting, most likely the partner of one of the other three present. Her race was not a consideration in casting her and there is no “message” in the advertisement that makes anything of her race or gender.

The reasons the “Western Asian looking lady” doesn’t have any lines are:

1 The advert is very short;

2 The fourth player (portrayed by her) was added in at a late stage;

3 The original actor who was going to portray the fourth person cancelled and the “Western Asian looking lady” took that person’s place.

There was certainly no intention of being discriminatory and we were surprised that anyone thought it was.

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 depicts a stereotypical representation of a woman who appears of western Asian heritage.

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 group of four people playing cards.

The cards have house features of them and the objective of the game is to design the best house with the cards that are dealt. The final on screen image is of a playing card which reads, ‘the full house range’ and the advertiser’s details.

The Board noted the complainants concern that there is one woman who does not speak or interact in the advertisement and that she appears ‘Western Asian’.

The Board 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 Board noted that there are four versions of the advertisement and the theme of the advertisement is the same in each. The Board noted that one woman who appears of Asian descent does not have a speaking role in any of the versions. The Board noted that the concept of the house build is based on a card game (similar to poker) where cards are dealt out and the collection of rooms for the home is a matter of chance.

The Board noted that that advertisement does feature other players who do speak however the exclusion of a speaking role for the particular woman does not appear deliberate or intended to appear unfair and is not a focus of the advertisement. The Board noted that the inferior role played by the woman could be interpreted as insensitive to some members of the community.

The Board noted the complainant’s concern that the Asian woman had the house cards of a basic home. The Board considered however, that it was hard to tell who had the cards and that this was not a focus of the advertisement.

The Board considered that the woman was not depicted in a manner that is less favourable or that humiliates the woman and 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.