



## Case Report

1	Case Number	0356/16
2	Advertiser	Bayer Australia Ltd
3	Product	Health Products
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/08/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

This 30 second television advertisement opens on a man with a tube of Berocca. His male colleague, a fellow gardener/landscaper, asks if he had a big night. The man responds to say he has a big day ahead of him and as he describes what he has planned we see him carrying out these actions: talking to customers, gardening, collecting tiles, playing poker with his friends, tidying up after his friends have left. In one scene we see him with a woman and he describes this scene as, "wrangle Violet". We then cut back to the present time and see the man put a Berocca tablet in a glass of water while the text, "Vitamin B, Vitamin C, magnesium, zinc and calcium" appears on screen.

The 15 second version of the advertisement features an edited version of the man's description of his day, including his encounter with Violet.

### THE COMPLAINT

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

*One of the efforts is the woman portrayed as a cougar he has to fend off. I think it is outrageous that women over 40 are constantly portrayed as desperate obstacles to men in their daily important lives. It is bad enough that the culture is discriminatory in general to women without constantly being bombarded with desperate cougar characters in advertising. It is offensive to sexist and discriminatory to women. Older men and young men are never*

*portrayed in advertising as being lecherous or creepy or untoward towards women yet this is a much more likely scenario in real life than desperate cougar women these men have to battle in their lives as an annoyance, as portrayed in advertising. It just adds to discrimination and attitudes towards women. As women we know we are deemed pretty worthless in the workplace and elsewhere once we hit mid 30 s so why should this discriminatory portrayal of women being an effort men have to get around in their day, be another reinforcement of how women are seen in our society and how children view any woman over 35. I find it completely derogatory to women and reinforce terrible attitudes towards women which are increasing in our society, not improving.*

## **THE ADVERTISER'S RESPONSE**

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

*We are disappointed to hear that the "Landscape" commercial for Berocca has caused offence to the complainant, as that was of course not Bayer's intention. As an organisation, many of Bayer's largest brands are female focussed, for example, Elevit and Canesten, and are developed entirely with the needs of women in mind. Berocca itself has a consumer base that is equally balanced between men and women. As such, Bayer is very mindful of communicating with, and portraying women in an entirely respectful, honest and authentic way. Bayer also takes great care in developing its communications to ensure that they are not only accurate but that they are fair, balanced and in no way offensive to any segment of society.*

*The "Landscape" commercial for Berocca has been on air continuously for 17 months. During this time, it is estimated that 12 million consumers have seen the commercial and it has received an overwhelmingly positive response. We do not feel that the commercial inappropriately or negatively represents women, or is in any way discriminatory, derogatory, sexist or offensive, towards women.*

*In context, this commercial is the second instalment of the Berocca 'Big Day' campaign. The tone-of-voice that has been established for this campaign is one of light-hearted humour, with the action based on an exaggerated view of the various, often unexpected challenges that can be faced in any given day. The variety of situations within the commercial and the mix of male and female roles were carefully managed. The character 'Violet' was not intended to be portrayed as "desperate" in any way as described by the complainant. The brief scene was intended to be a humorous situation where our landscaper wards off the flirtatious advances of the opposite sex.*

*We do not believe that Violet or any other character in the commercial is portrayed in a negative, stereotypical, offensive or derogatory way. We believe that the overall impression of the commercial is positive, upbeat and humorous and this is reflected in the overwhelmingly positive response to the commercial over the past 17 months.*

## **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 portrays a woman over 40 to be a cougar which is sexist and discriminatory.

The Board reviewed 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 man talking us through his busy day and in one scene we see him fending off the advances of an older lady, described by the man as him having to 'wrangle Violet'.

The Board noted the advertiser's response that the scene with Violet was intended to be a light-hearted and humorous situation involving flirtatious advances by Violet toward the man.

The Board noted the Macquarie Dictionary definition of wrangle includes the following:

1. To argue or dispute;
2. To engage in argument;
3. To influence, persuade, or otherwise affect by arguing;

The Board noted the man's description of the encounter as 'wrangling' Violet and the accompanying visual of a lady standing very close to him as he prunes a bush and considered that this scene is suggestive of mild flirtation on behalf of this woman rather than a suggestion that all women would behave in this manner. The Board noted that while the man does use the word wrangle the definition he is employing is not clear – it could be that he enjoys the interaction with Violet, or even encourages it. The Board noted that this scene featuring Violet is very brief and considered that there is no suggestion of discrimination or vilification of this particular women or women in general.

The Board noted the complainant's concern that the advertisement suggests women over 40 behave like cougars toward younger men but considered that this interpretation of the advertisement is unlikely to be shared by the broader community

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 gender.

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.

