



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0363-19
2. Advertiser :	Coles
3. Product :	Insurance
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	13-Nov-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features two people in a kitchen preparing a meal. The male actor puts hot sauce in his mouth then gestures to the female actress that he has a spicy taste in his mouth. As he reacts to the spicy taste he accidentally throws a tea towel across the kitchen, which lands on the gas burner hob between a pot and a frying pan, and it catches alight. It appears the male actor does not initially notice the fire and the female throws a glass of water towards the tea towel on the stove. The female then gestures to the fire and the male notices it. The advertisement then cuts to fire damage being repaired and the male making the decision to not put hot sauce in his mouth.

THE COMPLAINT

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

Coles Insurance is Discrimination against male gender by portraying that the male is stupid by making fun of them in the Ad. Degrading the male as person. The Ad displays false actions by human being & teaching incorrect habits to children.



It is extraordinarily dangerous to throw water on a stove top fire if the source of the fire, which is not made clear in this TVC, is fat or oil. I've seen a demonstration of this by the local Fire and Rescue folk. It will cause a near explosive flare up. This TVC should be deleted for safety reasons.

THE ADVERTISER'S RESPONSE

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

I refer to your letter to Coles in respect of the above complaint. I have set out below Coles' response to your queries.

The Complaints

AD DESCRIPTION 1: "Coles Insurance is advertising a Man who drinks hot sauce out of the container in front of his female wife, then the Ad goes on by the male performing like little child."

COMPLAINT 1: "Coles Insurance is Discrimination against male gender by portraying that the male is stupid by making fun of them in the Ad. Degrading the male as person. The Ad displays false actions by human being & teaching incorrect habits to children."

AD DESCRIPTION 2: "The TVC depicts a couple in the kitchen. The male swigs from a bottle of hot sauce and is overwhelmed by its heat. The female tosses a glass of water towards him, but it is revealed that she is throwing it on a fire on the stovetop."

COMPLAINT 2: "It is extraordinarily dangerous to throw water on a stove top fire if the source of the fire, which is not made clear in this TVC, is fat or oil. I've seen a demonstration of this by the local Fire and Rescue folk. It will cause a near explosive flare up. This TVC should be deleted for safety reasons."

The relevant advertisement

Coles notes the complaints relates to a 30 second TV commercial (the Advertisement) that promotes Coles Insurance (the Product). The Advertisement features two people in a kitchen preparing a meal. The male actor puts hot sauce in his mouth then gestures to the female actress that he has a spicy taste in his mouth. As he reacts to the spicy taste he accidentally throws a tea towel across the kitchen, which lands on the gas burner hob between a pot and a frying pan, and it catches alight. It appears the male actor does not initially notice the fire and the female throws a glass of water towards the tea towel on the stove. The female then gestures to the fire and the male notices it. The advertisement then cuts to fire damage being repaired and the male making the decision to not put hot sauce in his mouth.



Response

The purpose of the Advertisement is to communicate that accidents happen sometimes and that Coles Insurance can protect customers from some of the financial impact those accidents may otherwise have. Coles does not believe the Advertisement breaches any section of the AANA code of Ethics (the Code) as outlined below.

AANA Code of Ethics

2.1 Discrimination or vilification

The first complaint alleges the Advertisement portrays the male as stupid and it is degrading to the man in the Advertisement. While the actions of the actor could be seen to be doltish there is nothing in the Advertisement to indicate this is on account of his gender or that it occurred because he is a man. There is no indication that the man regularly makes mistakes or is generally incompetent. There is no depiction of the man being ridiculed or humiliated as a result of his mistake. Nor are any of the actions of the female portrayed to be on account of her gender. The Advertisement could have equally been filmed with two females or two males without any change to the scripting or direction in relation to the acting.

This is not a depiction of material in a way which discriminates against or vilifies a person or section of the community on account of gender and Coles believes the Advertisement does not breach Section 2.1 of the Code. Coles believes this decision should be consistent with determinations 0014/18, 0466/18 and 0048/18 which confirm the depiction of men as incompetent in one advertisement does not suggest that this same situation applies to all men, or that it is specific to men.

2.2 Exploitative and degrading

The advertisement does not depict anything that is exploitative or degrading in relation to any individual or group of people.

2.3 Violence

At no time does the Advertisement present or portray violence.

2.4 Sex, sexuality and nudity

The actor and actress are appropriately dressed and are not portraying or communicating a message of a sexual nature.

2.5 Language

The Advertisement uses language appropriate in the circumstances. The Advertisement does not include any strong or obscene language.

2.6 Health and Safety

The Advertisement does not depict material that is contrary to Prevailing Community Standards on health and safety.



The tea towel catches fire from a hob that has no pan on it. The Advertisement does not show anything being cooked, or the presence of any oil. On this basis Coles believes that the throwing of water towards the source of the fire is not a depiction of material contrary to prevailing community standards, or is a depiction of an unsafe practice..

The AANA Practice Note – Code of Ethics relevantly states in relation to section 2.6: Health and Safety (Section 2.6):

Images of bike riding without helmets or not wearing a seatbelt will be contrary to prevailing community standards relating to health and safety. Similarly, advertisements depicting unsafe practices or images, such as riding down a hill in a wheelie bin, using a mobile phone while driving or apparently hiding in a chest freezer etc are unacceptable. Advertisers should take care not to depict behaviour that children may imitate.

The advertisement as a whole is whimsical and is unlikely to be taken seriously by viewers. In determination 0474/14 the Board noted the stylised nature of the advertisement and considered that the unrealistic nature of the actors' behaviour and the subsequent fire is sufficient to be very unlikely to encourage copycat behaviour. The Board considered that 'the advertisement did not encourage or condone the setting on fire of objects within a house or anywhere else.'

Further to this, Coles submits that that the advertisement is intended to be humorous, rather than instructional, in nature. Coles also believes that most members of the community are likely to understand the general message of the Advertisement which is that mistakes happen rather than it promoting unsafe behaviour to children or adults.

2.7 Distinguishable as advertising

The Advertisement is clearly distinguishable as advertising.

Conclusion

Coles submit that The Advertisement is compliant with all relevant Code requirements and the complaint should be dismissed. If you have any further questions or concerns, please do not hesitate to contact me.

THE DETERMINATION

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

The Panel noted the complainants' concerns that the advertisement:

- Discriminates against the male gender by portraying the male as stupid
- Shows unsafe behaviour of someone throwing water on a fire on the stovetop



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

The Panel 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 Panel 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 Panel noted the complainants' concerns that the advertisement discriminates against the male gender by portraying the male as stupid.

The Panel considered that the male in the advertisement had been shown to act foolishly, in drinking hot sauce out of a bottle and then not realising when the stove catches alight.

The Panel noted that it had considered a similar issue in case 0466-18, in which: "The Panel considered that there is no indication that the man regularly makes mistakes or is generally incompetent. The Panel noted that there is no depiction of the man as being ridiculed or humiliated as a result of his mistake. The Panel considered that there is no implication in the advertisement that the man's error was made because he is a man, and no implication that all men are incapable of home improvements. The Panel 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 and determined that the advertisement did not breach Section 2.1 of the Code."

Similar to case 0466-18, the Panel considered that the current advertisement did not suggest the man had acted in that manner because he was a man, and no indication that all men would act in the same manner.

The Panel 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 and determined that the advertisement did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement complied with Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".



The Panel noted the complainants' concerns that the advertisement shows unsafe behaviour of someone throwing water on a fire on the stovetop.

The Panel considered that the source of the fire is a burning towel, and it is not an oil or gas fire. The Panel considered that throwing a small amount of water on this fire would not be dangerous and would not spread the fire.

The Panel considered that the woman's attempt to put out the fire were shown to be ineffective, and that this would be unlikely to cause copy-cat behaviour.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on fire safety.

The Panel determined that the advertisement did not breach Section 2.6 of the Code. Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.