



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

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0374/18</b>
2	<b>Advertiser</b>	<b>Team Uggs</b>
3	<b>Product</b>	<b>Clothing</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
5	<b>Date of Determination</b>	<b>12/09/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Gender

## DESCRIPTION OF THE ADVERTISEMENT

This Pay TV advertisement features a man switching on a television to watch an infomercial style advertisement with two men talking about the features of the product. One of the men is dressed as a woman.

## THE COMPLAINT

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

*Offensively portrays / makes fun of transgender persons.*

## THE ADVERTISER'S RESPONSE

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

*Advertiser did not provide a response.*



## **THE DETERMINATION**

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

The Panel noted the complainant's concern that the advertisement is offensive to transgender persons.

The Panel viewed the advertisement and noted the advertiser had not provided a 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 that this Pay TV advertisement features an infomercial style advertisement with two well-known football identities discussing the features of the product. One of the men is dressed as a woman called 'Moira'.

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 that it is not of itself discriminatory or vilifying to depict a person dressed as a different gender and considered that the representation does not, and is not intended to, represent transgender people.

The Panel considered that it is not uncommon for men or women to cross-dress for comedy or entertainment and considered that this is not always related to gender identity, such as drag performers.

The Panel noted that Moira is played by a popular sports personality and considered that there is a culture in the Australian sporting community of men wearing women's clothing for comedy and in this instance is not mocking transgender people or women.

The Panel considered that while historically this theme of advertising has been considered not to be discriminatory, community standards in the area of gender identity and roles are changing and this style of advertising is becoming increasingly likely to offend members of the community.



However, in this advertisement the Panel considered that the character of Moira is not diminished and is shown in an equal role to the other man in the advertisement.

The Panel considered that Moira was not shown to receive unfair or less favourable treatment and was not portrayed in a way which humiliates, intimidates, incites hatred, contempt or ridicule for the character or any other group of people.

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 or sexual preference and determined that the advertisement did not breach Section 2.1 of the Code

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

