



Case Report

1	Case Number	0378/15
2	Advertiser	Rejuvenate Wellness Centre Rockhampton
3	Product	Beauty Salon
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/10/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

Advertisement starts with a young woman walking past a man. He whistles at her and she turns to acknowledge his looks and a female voiceover asks, "How would you like to get that sort of recognition wherever you go?" The advertisement then talks about and shows images of the services provided at the clinic.

THE COMPLAINT

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

The man wolf whistles at the lady, and the voice over says something along the lines of "do you wish you could get this kind of attention" or "(our product) will help you get this kind of attention". It's incredibly insulting and we should not be encouraging men to exhibit this kind of behaviour. There should be absolutely no suggestion that uninvited sexual advances are at all acceptable or a thing to be desired

THE ADVERTISER'S RESPONSE

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

In this time of hard ship in business and people personal life, a little confident boost should be welcomed for both sexes. Life is tuff, let's put a smile on some faces. People like to knock people down instead of building them up. Where has the oz's gone????

Is that person that made a complaint from another business, are they doing this complaint with their heart in the right place. These add is purely to build business up, in these hard times. These ads mean no disrespect to any walk of life.

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 man wolf whistling at a woman which is insulting and suggests uninvited sexual attention is acceptable.

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 that this television advertisement depicts a man wolf whistling at a passing woman whilst a female voiceover says, "How would you like to get that sort of recognition wherever you go?"

The Board noted it had previously considered a similar complaint about a man whistling at a woman in case 0119/12 where:

"The Board noted that the radio advertisement features two workmen talking - one whistles (very badly) at a woman on the street, who tells him to "shut up you moron!" The other workman (the boss) then whistles well...

...The Board noted the serious nature of workplace harassment and the general community attitude toward the practice of wolf whistling to passers-by from worksites. The Board considered however, that the situation presented in the advertisement would be understood by most listeners to be light-hearted and irreverent and is not negative or sinister."

In the current advertisement the Board noted that we see the woman who is being whistled at and considered that her reaction indicates that she welcomes the man's appreciation of her appearance.

The Board noted that the exchange between the man and the woman takes place on the street

and not in a workplace environment and considered that the man's actions are depicted as appreciative rather than threatening and this is backed up by the woman's reaction. The Board noted that sexual harassment is a serious issue but considered that the depiction of a man whistling his approval of a woman's appearance in the advertisement is depicted in an old-fashioned manner rather than a threatening or sexually predatory manner.

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.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainant's concern that the advertisement suggests uninvited sexual attention is acceptable.

The Board noted the woman's reaction to being whistled at by a man and considered that she appears pleased. The Board noted that there is a difference between being appreciative of a person's appearance and being sexually attracted to a person and considered in this instance that the man's behaviour is consistent with being appreciative and there is no suggestion of sexual intentions.

The Board noted that the advertisement did not suggest that all men should behave in this manner, or that only men would show their appreciation of a person's appearance and considered that overall the advertisement does not depict, encourage or condone uninvited sexual attention.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.