



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0382/18
2	Advertiser	Choosi Pty Ltd
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features people browsing a library, and a Choosi representative directing them to alternate sections of the library than the ones they are in.

THE COMPLAINT

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

I take issue to two aspects of the ad: Firstly, a woman and a child are looking at gardening books, and one Choosi representative redirects them to the children's section instead (it feels like dumbing down). Secondly, another library patron, a man, is looking at books about dance, and a Choosi rep redirects him to the sport section. In both cases, it feels like the ad is telling the viewer to conform to "appropriate" behaviour. The first example is ageist, the second is sexist. (In the same way that it would be sexist if a woman looking at books about engineering was redirected to cook books.)



THE ADVERTISER'S RESPONSE

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

Response to complaint 0382/18

I refer to complaint 0382/18 received from Ad Standards by Choosi on 27 August 2018.

We have reviewed the complaint and the advertisement that is referenced by the complainant. We enclose for consideration by Ad Standards a copy of the advertisement that has been referred to by the complainant.

We note that the sequences within the advertisement that are the subject of the complaint relate to two visual sections of the advertisement in which an actor purporting to represent Choosi suggests to other actors, representing everyday people, particular sections of a library from which they might like to consider browsing from.

The intent of these gestures is to show by analogy that Choosi can inform customers of other options they hadn't considered and, in so doing, allow them to make a more informed decision when they choose a product to purchase.

The complainant alleges that in both cases the Choosi representative directs the customer to a book choice that is age or gender-normative and is therefore ageist and/or sexist.

We note that section 2.1 of the AANA Code of Ethics provides the following:

Advertising or Marketing Communication shall not portray people 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.

Even if we concede that the relevant sections of this advertisement make a statement about gender or age (which we do not), there is nothing in this "statement" that could reasonably be described as discrimination or vilification. Both discrimination and vilification are strong terms that refer to conduct which leads to an unjust or prejudicial treatment of a person, in the case of discrimination, or treats a person in an abusive or disparaging manner, in the case of vilification. There are no grounds to suggest that the advertisement includes any conduct at this level. On any reasonable assessment, we argue that the interactions within the advertisement are friendly and non-confrontational.

The sections of the library chosen for this shot were arbitrary and there was certainly



no intent to portray normative statements about gender or age. We note that the focus of the advertisement is never on these aspects. We consider that if offense has been taken by the complainant, it is not reasonable in the circumstances and can only be explained by taking these gestures out of context from the general tone and flow of the advertisement.

Accordingly, we argue that Ad Standards should find that there has been no breach of the AANA Code of Ethics and that the complaint should not be sustained.

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 ageist and sexist.

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 that this television advertisement features 'choosi' staff assisting people in a library to find what they are looking for. This includes helping a mother and daughter find the children's section and a man find the sports section.

The Panel noted the complainant's concern that directing the woman and child away from the gardening section seems like dumbing down.

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 considered that the woman and child look happy and thankful to be directed to the children's section and considered that the overall suggestion of the advertisement is Choosi will help you find what you were looking for, and the mother and daughter had been looking for the children's section.

The Panel considered that directing a mother and child to the children's section is



appropriate and in the context shown is not making a comment about the nature of the books, rather directing them to an area which is more suitable for the child's needs.

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 age.

The Panel then considered the complainant's concern that redirecting the man from the dance section to the sports section was sexist and suggesting that the viewer should conform to 'appropriate behaviour'.

The Panel noted the practice note for this section of the Code states:

"Stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. As such, advertisements may feature people undertaking gender-stereotypical roles ... or displaying gender-stereotypical characteristics... but they should take care to avoid suggesting that stereotypical roles or characteristics are:

- always associated with that gender;
 - the only options available to that gender; or
 - never carried out or displayed by another gender.
- as this may amount to discrimination on the basis of gender."

The Panel considered that theme of the advertisement was helping people find what they need and the most likely interpretation of this scene of the advertisement was that the man was attempting to find the sports section and was assisted.

The Panel noted that men liking sport is a gender stereotype, but it is not a negative one. The Panel also considered that there was no suggestion in the advertisement that men could not like dance, or that dance books are something that only women would enjoy. Rather, in the Panel's view, the advertisement is suggesting that the man was looking for a book on sports and was helped to find the correct section.

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

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

