



Case Report

1	Case Number	0383/16
2	Advertiser	Freeview Australia Limited
3	Product	Media
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/09/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man experiencing difficulty in setting up his new smart TV. A passing neighbour calls out some advice through the open window, asking the man if he has connected it up properly and pressed the green button. The man seems a bit annoyed that his neighbour is questioning his ability but when the neighbour asks if he has switched it on he realises that he hasn't, and when he presses the on-button on the remote we hear the TV come to life. The man's wife then appears over his shoulder and comments that at least the TV is smart. The final scene shows all three people watching the TV while a voiceover says you can watch catch-up TV for free on your TV using Freeview Plus.

THE COMPLAINT

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

This is a sequel advertisement with the first sequence followed shortly thereafter in the same ad break with the second follow up sequel. The first ad portrays a man who is attempting without success to set up his new smart television and remote control. His neighbour appears on the scene and asks him a few questions about it ending with "have you turned it on" he does so and it works. His wife appears on the scene and makes fun of him in front of the neighbour saying "at least someone is smart". This is discriminatory against males, and sets out to generally portray a male person as stupid and incompetent.

This sort of ad, had it portrayed a woman in the same context would have been the subject of

outcry and condemnation. It ties to place a male person in the same context of some of the condemned advertisements of the 1960s. It sends the wrong message to young men and woman and is otherwise discriminatory and offensive.

The guy in the ad doesn't have the TV turned on.....the female partner says "well at least the TV is smart". If these roles were reversed and the man said "at least the TV is smart" the ad would never be produced. It offends me that woman on TV can criticise men as dumb but the other way around is generally frowned upon and wouldn't pass pre-release gender testing.

THE ADVERTISER'S RESPONSE

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

The complaint submitted pertains to section Section 2.1 of the AANA Advertiser Code of Ethics, which states:

2.1 Advertising or Marketing Communications 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.

It is our submission that the advertisement does not contravene Section 2.1 as it does not contain discrimination or vilification on the basis of gender. No character is treated unfairly or less favourably in the advertisement because of their gender. Further, the advertisement does not humiliate, intimidate, incite hatred, contempt or ridicule of any character because of their gender.

The advertisement is a comedic film, which is part of a series of ads for Freeview Plus. The intention of the campaign is to highlight the features and benefits of Freeview Plus in a humorous and engaging way. The ads are in no way designed to be a comment on broader societal issues or on gender relations.

The specific comment in the advertisement referred to in the complaint does not, as it is alleged, "criticise men as dumb".

Firstly, it is not a criticism at all. The manner of the delivery makes it clearly a sarcastic dig or gibe, from one spouse to the other. The kind of banter or point-scoring from one spouse at the expense of the other, which is not uncommon in marital relationships - either in the real world or in the world of comedy - and would be seen as such by the audience.

Second, the comment is not directed at "men" in general. No criticism of males would in any way be inferred here. It is a comedic remark, an ironic comment directed at a (fictional) character in the advertisement, Jeff Jones, specifically made at his expense. This can be understood by examining the style of comedy in the advertisement and the context in which that comedy operates.

The comedy in the advertisement is not gender-based in any way. It derives from the tension between Jeff Jones, the smug neighbour with the fake tan and air of superiority, and the

friendly neighbour he is constantly trying to outdo, our protagonist Gary Freeman (who also appears in the advertisement). In the relationship, Gary is the nice guy and Jeff is the fall guy - the butt of the jokes.

To give some context, the characters first appeared in a Freeview advertisement titled "Keeping up with the Joneses", which aired last year (attached for your reference). In this advertisement, Jeff's confidence is shaken due to his ignorance of Freeview Plus.

This year, in an effort to get his own back, Jeff has bought a very large television set with Freeview Plus, of which he is rather proud (as evidenced by his smug attitude throughout the commercial). However, in the time-honoured comedy tradition, pride comes before a fall, and Jeff becomes the fall guy by remembering every detail about Freeview Plus except the most obvious: turning the television on.

In this context, the comment directed at Jeff by his wife can clearly be seen to be a comedic device specifically used to deflate his somewhat enlarged ego, and could in no way be misinterpreted as inferring a general comment on the mental capacity of men in general.

In fact, the comment doesn't even extend as far as the other male in the advertisement, Gary Freeman. The comment is directed only at Jeff Jones, by his wife. She is making fun of him not because he is a man, but because of the specific behaviour he exhibits within the world of the commercial.

The fact that the complainant is offended is regrettable. However, it is our submission that the advertisement in no way contravenes the prevailing community standards, and that the overwhelming majority of viewers would not be offended in any way by the ad in general or the specific comment in particular.

We also submit that there is nothing in the advertisement that contravenes any of the other subsections within Section 2, pertaining to exploitative and degrading content, violence, sex, sexuality and nudity, language or health and safety.

We would therefore ask the ASB to dismiss the complaint.

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 is sexist toward men in its suggestion that a TV is smart but a man isn't.

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 this television advertisement features a man experiencing difficulty setting up his new Smart TV before his neighbour suggests he turn the TV on.

The Board noted the complainant's concern that the woman saying 'at least the TV is smart' is a suggestion that the man isn't smart. The Board noted the complainant's concerns that the advertisement would not be made with the roles reversed. The Board considered that its role is to consider each advertisement on its own merit and that addressing hypothetical alternatives is not part of its role.

The Board noted that when the woman comments about the TV being smart she is smiling and has her hand resting on her husband's shoulder. The Board noted the man's reaction to the woman's comment and considered that there is no suggestion that this exchange is anything other than a light-hearted exchange between a married couple in a loving relationship where one person is making fun of the other for making a mistake. The Board noted that in the next scene we see the man watching the new TV with both his neighbour and his wife and considered that while the man made a mistake in not switching the TV on when he was trying to set it up, in the Board's view there is no suggestion that the man is thought less of because of his error or that men in general should be thought less of for any reason.

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.

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