



Case Report

1	Case Number	0387/16
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
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man setting up Freeview Plus on a woman's television. The woman, who is stood behind him holding a cup of tea, comments, "You are very good at pushing the right buttons" and we see the man look up, surprised. A male voiceover says, "Keep up with the Freemans. Look for the Freeview Plus logo in store or visit the website".

THE COMPLAINT

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

The Freeview TV Commercial features the Freemans family. In the current campaign there is a commercial where Mr Freeman is setting up the Freeview TV service in a neighbour's house, and where the wife of the neighbour is standing, leaning against a door frame and behind Mr Freeman as he bends over the TV. Clearly ogling his behind and making sexually suggestive comments about his "prowess", this commercial would be deemed utterly unacceptable and sexist if the gender roles were reversed and it was man ogling the backside of his neighbour's wife and making suggestive comments. The tone, while attempting to be light-hearted, is essentially smutty and hypocritical. Why must we accept such a blatant gender double standard?

THE ADVERTISER'S RESPONSE

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

We note that the complaint submitted pertains to section Sections 2.1 and 2.4 of the AANA Advertiser Code of Ethics, which state:

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.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Background

The advertisement the subject of the complaint is a comedic film, which is part of a series of ads for Freeview Plus. It airs as a 15-second tail to the 30-second advertisement for Freeview Plus entitled “The Set-Up”, the two advertisements screening within close proximity of each other. It is essentially an instructional ad, informing people about what you need to connect Freeview Plus, in an entertaining way.

The intention of the film, and the campaign as a whole, is to highlight the features and benefits of Freeview Plus in a humorous and engaging way. The comedy in the films derives from the tension between the smug, arrogant Joneses and the nice, down to earth Freeman family who live next door.

Specifically, in the “Set-Up”, the humour comes 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). Gary is the nice guy and Jeff is the fall guy - the butt of the jokes.

The character of Gina Jones, who also appears in the “Set-Up”, as well as the 15-second advertisement the subject of the present complaint, was created as a foil to her husband Jeff. Both characters are exaggerated, larger-than-life caricatures. The smug, fake tan-wearing neighbour Jeff, is an ideal match for the active-wear wearing, sarcastic, strong-willed Gina, who would not be out of place on a “Real Housewives” set. Gina is the only one who can really put Jeff in his place, when he deserves it, with her acerbic wit, as she does in the “Set-Up”.

In the advertisement which is the subject of the complaint, Gina has asked her neighbour Gary to pop over and help her install Freeview Plus on an old television in her spare room. In keeping with her over-the-top character, she indulges in a little harmless, Freeview-related flirtation as she sips her tea, which leaves Mr Freeman feeling a little awkward and provides a nice, comedic ending for what is a relatively straightforward instructional ad.

Section 2.1 Discrimination or vilification

It is our submission that the advertisement does not contravene Section 2.1 as it does not contain any 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 opinion of the complainant regarding gender double standards, and his/her view that the advertisement is hypocritical and “would be deemed utterly unacceptable and sexist if the gender roles were reversed”, are purely speculative and not relevant in the present circumstances.

Section 2.4 - Sex/sexuality/nudity S/S/N - general

It is our submission that the advertisement does not contravene section 2.4, in that any sexual innuendo contained within the advertisement is treated with due sensitivity to the relevant audience.

In most of the advertisement Gina, the neighbour’s wife, is blurred in the background, sipping a cup of tea, looking on intently as Mr Freeman explains what he has done to connect Freeview Plus. It is (intentionally) ambiguous as to whether she is genuinely interested in Mr Freeman’s explanation and is following what he is doing intently, or whether she is more interested in Mr Freeman himself.

As Mr Freeman finishes his explanation, saying “...just press the green button and you’ve got Freeview Plus”, Gina raises her eyebrows and replies “You are very good at pressing the right buttons”, before taking another sip of her tea. Seen in the context of her character, the comment is a flirtatious double-entendre that leaves Mr Freeman feeling a little awkward and provides a comedic ending for the ad.

Far from being overt or “smutty”, as suggested by the complainant, the humour here specifically relies on the subtlety of the wordplay. Gina would never be crude – it’s not in her character’s nature. Instead, she uses a the double entendre to be suggestive without actually saying anything untoward.

It is our submission that the double-entendre in the advertisement is:

- a very mildly suggestive reference or very subtle sexual innuendo that would not be easily understood by children or young audiences; and*
- a double-entendre where a non-sexualised explanation of the meaning would be taken away by children.*

It is therefore our contention that the advertisement complies with the Code in treating the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

Other Sections

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.

Conclusion

It is our submission that the advertisement does not contravene Section 2 of the Code, is in no way objectionable to the community and does not offend Prevailing Community Standards in any way.

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 and unacceptable in its depiction of a woman ogling a man and making sexually suggestive comments.

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 setting up Freeview Plus on a woman’s television while she watches him.

The Board noted the complainant’s concerns that the woman is ogling the man’s backside and the comments she makes about his ‘prowess’ would be seen as sexist if the roles were 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 the man setting up the television is explaining to the woman what he is doing and considered that the woman’s head movements are suggestive of her watching what the man is doing with his hands rather than ‘ogling’ his body.

The Board noted that the woman comments that the man is very good at ‘pressing the right buttons’ and considered that this comment, in the context of the man setting up a television and commenting that he is pressing the green button, while said in a flirtatious manner, is a subtle innuendo but is not of itself sexist or intended to suggest that the man is less than equal to the woman or that the woman views him in a manner which is demeaning or degrading. The Board noted the man’s reaction to the woman’s comment and considered that while he does look confused there is no suggestion that he is upset or concerned about the situation.

Overall 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 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 woman’s comments in the advertisement are sexually suggestive. The Board noted that the man is connecting the woman’s television to Freeview Plus and considered that when the woman comments that the man is good at ‘pressing the right buttons’ the man has just said that he has connected the cables and is about to press a green button. The Board noted that the woman’s manner is flirtatious but considered that the level of innuendo is very mild, not sexually explicit, and is unlikely to be understood by children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

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.