



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0387-20
2. Advertiser :	Samsung Electronics
3. Product :	Mobile Phone or SMS
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Determination	20-Jan-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

The 6 second version of the Advertisement comprises footage of a Galaxy Note20 being unwrapped as a gift by a man, with the 15 and 30 seconds versions containing additional footage showing two children playing in the background while the man unwraps his gift and then cutting to the man using the Galaxy Note20 to rehearse with his band.

There is background music playing throughout the Advertisement with text appearing on the screen as follows:

[6 second version]

Make their year, with Galaxy Note20

[15 second version]

For all the Working With Kids days
instead of Rehearsing With His Band days
Give the gift that turns work into play
Make their year, with Samsung Galaxy

[30 second version]

For all the WFH days
that became Work With Kids days



and not Rehearsing With His Band days
Give the gift that turns work into play
Make their year, with Samsung Galaxy

The 6 second version was accompanied by a caption on Facebook and Instagram which read: 'Make up for the chaos of kid-filled WFH days with Samsung Galaxy Note20. Gift now.'

The 15 second version was accompanied by a caption on Facebook and Instagram which read: 'Make up for the chaos of kid-filled WFH days with Samsung Galaxy Note20. It's the gift the turns work into play. Gift now.'

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The advertisement implies that women / wives need to give the man a reward / break for looking after their children during a difficult year. Women have been disproportionately economically impacted by COVID-19 and the ad is offensive to women in that men have had a 'harder' year for potentially helping to care for their children and giving up their free time (which there have been many statistics this that women have been more effected).

THE ADVERTISER'S RESPONSE

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

BACKGROUND

Samsung Electronics Australia Pty Ltd (Samsung) would like to thank Ad Standards for the opportunity to respond to the complaint made against Samsung's recent social media advertisement in relation to the Samsung Galaxy Note20 smartphone device (Advertisement).

Samsung takes its responsibilities under the AANA Code of Ethics (Code) seriously and is confident that the Advertisement complies with the Code.

THE ADVERTISEMENT

The Advertisement was first published in Australia on or around 18 November 2020 and ran until on or around 26 December 2020. Samsung does not intend to use the Advertisement again in any future advertising campaigns.



The Advertisement was part of a campaign which included videos in 6 second, 15 second, and 30 second versions in circulation:

- The 6 second version of the Advertisement appeared as a sponsored ad on Facebook, Instagram and YouTube. On Facebook and Instagram, the 6 second version was accompanied by a caption which read: 'Make up for the chaos of kid-filled WFH days with Samsung Galaxy Note20. Gift now.'*
- The 15 second version of the Advertisement appeared as a sponsored ad on Facebook, Instagram, YouTube, Broadcaster-Video-On-Demand (BVOD) services (9Now, 7plus, 10 Play and SBS On Demand), and on BuzzFeed's webpage. On Facebook and Instagram, the 15 second version was accompanied by a caption which read: 'Make up for the chaos of kid-filled WFH days with Samsung Galaxy Note20. It's the gift the turns work into play. Gift now.'*
- The 30 second version of the Advertisement appeared as a sponsored ad on YouTube and BVOD services (9Now, 7plus, 10 Play and SBS On Demand).*

Copies of the 6, 15 and 30 second versions of the videos have been provided.

THE COMPLAINT

The complaint raises a concern that the Advertisement 'implies that women / wives need to give the man a reward / break for looking after their children during a difficult year.' The complaint goes on to state that the Advertisement is 'offensive to women'.

Samsung does not believe that the Advertisement gives rise to the implication asserted in the complaint and does not consider that the Advertisement breaches section 2 of the Code in any way.

SECTION 2 OF THE CODE

There is no suggestion in the complaint that the Advertisement raises any issues under Section 2.2 (regarding employing sexual appeal in an exploitative or degrading manner); Section 2.3 (regarding the presentation or portrayal of violence); Section 2.4 (regarding sex, sexuality and nudity); Section 2.5 (regarding strong or obscene language); Section 2.6 (regarding Prevailing Community Standards on health and safety); or 2.7 (regarding advertising being clearly distinguishable) of the Code. Samsung is confident that there are no such issues.

Samsung addresses Section 2.1 of the Code, which is the subject of the complaint, in more detail below.

SECTION 2.1 – DISCRIMINATION OR VILIFICATION

Section 2.1 of the Code states:



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.

Complaints based on section 2.1 of the Code have previously been upheld in relation to advertising which:

- 1. reduces women to sexual objects, or presents women in a manner which is degrading and shows them in an unfair or less favourable manner (see Ad Standards, Discrimination and vilification: determination summary, available at <https://adstandards.com.au/issues/discrimination-and-vilification/determination-summary#women>, (refers to Wicked Campers – 0302/17, 0064/20);*
- 2. uses the term 'bitch' (see Ad Standards, Discrimination and vilification: determination summary, available at <https://adstandards.com.au/issues/discrimination-and-vilification/determination-summary#women>, (refers to Wicked Campers – 0116/16);*
- 3. incites ridicule onto women through unintelligible, domineering or humiliating depictions or references (see Ad Standards, Discrimination and vilification: determination summary, available at <https://adstandards.com.au/issues/discrimination-and-vilification/determination-summary#women>, (refers to Ultra Tune Australia – 0020/16, 0022/19, 0260/19; Sportsbet – 0263/19, 0273/19, 0274/19, 0287/19; Sportsbet – 0100/20);*
- 4. suggests men should outsource their sexual relationships with their wives to other women (see Ad Standards, Discrimination and vilification: determination summary, available at <https://adstandards.com.au/issues/discrimination-and-vilification/determination-summary#women>, (refers to Ashley Madison - Avid Life – 0036/15 and 0071/15); and*
- 5. compares women's body parts to those of animals (see Ad Standards, Discrimination and vilification: determination summary, available at <https://adstandards.com.au/issues/discrimination-and-vilification/determination-summary#women>, (refers to Assure Cosmetic Centre – 0137/17).*

There is nothing in the Advertisement that is in any way analogous to any of these examples.

The Community Panel has noted that advertisers are free to use whomever they choose in an advertisement, in one decision noting that choosing to use attractive women is not discriminatory towards women (see Ad Standards, Discrimination and vilification: determination summary, available at <https://adstandards.com.au/issues/discrimination-and-vilification/determination-summary#women>, (refers to Nick Scali – 0279/16; Chemist Warehouse – 0425/17). A previous decision on section 2.1 of the Code found that depicting a woman doing a



particular task (booking a family holiday) did not amount to the (discriminatory) suggestion that a man cannot also book a holiday (see Expedia – 0380/16, case report available at <https://adstandards.com.au/sites/default/files/reports/0380-16.pdf>). Similar to these two examples, Samsung considers that the Advertisement, which features a man receiving a Christmas gift after a hard year, does not depict any material which discriminates against women.

The Advertisement does not imply that only men, and not women, had a difficult year as a result of COVID-19 restrictions, or that only men, and not women, deserve a gift. The choice to feature a man in this advertisement rather than a woman does not amount to discrimination towards women. The main tag line appearing in the Advertisement: "Make their year, with Samsung Galaxy", does not use a male pronoun and there is nothing in the Advertisement which infers that men have had a 'harder' year than women as asserted in the complaint.

CONCLUSION

Samsung submits that the Advertisement does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender or any other ground. The Advertisement suggests that fathers might appreciate and enjoy a Samsung Galaxy Note20 device as a gift, but does not in any way suggest that mothers would not also appreciate and enjoy, or are not similarly deserving, of such a gift. Accordingly, Samsung does not believe that the Advertisement is in breach of Section 2 of the Code in any respect or that the Advertisement is not in line with community standards and expectations more broadly. Accordingly, Samsung respectfully submits that the complaint should be dismissed.

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 suggests that women need to give men a reward for or break from taking care of children, and is offensive in its suggestion that men have had a harder year than women.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.1: 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.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule



- Gender - male, female or trans-gender characteristics.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted the complainant's concern that women have been disproportionately economically affected by Covid19 and that the suggestion that men have had a more difficult experience by having to watch their children during this time is offensive.

The Panel noted that this concern has been the subject of significant media and community attention. The Panel considered that there is no reference to women in the advertisement and there is no suggestion that the man in the advertisement has sacrificed more or deserves more than his partner (who is not identified in any way).

The Panel noted the complainant's concern that the advertisement suggests that women need to give men a reward for or break from looking after their own children during 2020.

The Panel noted that the advertisement is a Christmas advertisement, and considered that the intention of the advertisement is to provide suggestions for Christmas gifts rather than rewards for behaviour or performance.

The Panel noted that the text on screen during the advertisement suggests that the man depicted is employed as a musician, who has regularly worked from home and now takes care of his children during the day. The Panel considered that acknowledging that changing arrangements during 2020 and acknowledging that men are sometimes primary childcare providers does not discriminate against or vilify women.

The Panel considered that the accompanying caption of the advertisement stating "make up for the chaos of kid-filled WFH says..." was not an indication that the man depicted is owed something. The Panel noted that there is no suggestion that the man received the gift from his wife or any woman, and there is no reference to what he gave for Christmas or any suggestion that there is a power imbalance in the relationship.

The Panel considered that the advertisement is a depiction of a single scenario of a man receiving a Christmas gift, and considered that the advertisement is not representative of or indicative of all men or relationships.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion



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