



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0391-19
2. Advertiser :	Smart Homes for Living
3. Product :	Real Estate
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement talks about different 'kinds of smarts' being valued. It shows a man working late while a woman holds a baby, a woman crying to a female friend, a man cutting wood in a garage, a woman doing yoga, two women cooking together, a woman sewing, and a couple sitting with a sales rep with the father holding the baby.

THE COMPLAINT

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

Every single portrayal of an activity is being performed by the gender of person stereotypically associated with those activities. Repeatedly reinforcing these stereotypes through advertising makes it harder for men to be seen as care givers, women to see themselves as tradies etc. This type of advertising is outdated and damaging to the next generation of Australians.



THE ADVERTISER'S RESPONSE

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

Background:

There was a good reason we chose the name Smart Homes for Living when we opened our doors in 2011. We were (and still are) determined to do things differently: To work smarter, design smarter, finance smarter and connect with customers in a smarter, more considerate way.

Our 'All The Smarts' campaign is an extension of this philosophy, and was born out of a desire to promote and celebrate the diversity of smarts that both connect us and makes us special.

When we were developing the campaign, we felt that society often valued some 'smarts' over others. We wanted to change this perception, by encouraging our audience to feel proud of their smarts, whatever they may be. Ideally, resulting in a world where parenting smarts are as valuable as engineering, scientific or accounting smarts; emotional smarts are as valuable as geology, finance or chemistry smarts. In other words, a world where everyone feels equal and valuable.

Re: Ad Standards notification to advertiser- 0391-19

Thank you for the letter dated 19th November 2019 regarding complaint(s) raised under Section 2 of the AANA Advertiser Code of Ethics. We thank you for the opportunity to provide a response to this complaint.

Smart Homes for Living is committed to conducting all advertising and promotions to the highest standards and we take seriously any complaints made in relation to our advertising and promotions.

As requested, we have addressed the complaint by reference to all relevant advertising codes, being the AANA Code of Ethics (Code of Ethics).

Having considered the Advertisement and the complaint, as well as the requirements of the Code of Ethics, we respectfully submit that the Advertisement does not in any way contravene the Code of Ethics.

Section 2.1 - Discrimination or Vilification

Smart Homes for Living believes it's 'All The Smarts' Advertisement does not contravene section 2.1 of the Code of Ethics that the Advertisement, as it does not portray people or depict material in a way which discriminates against or vilifies a person based on gender or any other basis.



The Advertisement presents to the target audience, in a relatable way, common life scenarios where their unique 'smarts' are used and valued.

We did not intentionally set out to cast a particular gender in a particular role. When selecting the talent for the commercial our criteria was:

1) Do they accurately represent our 25yr – 40yr old, female-skewed target audience? And as such, have a style/look that'll resonate with our intended viewers and allow themselves to 'seem themselves' in the depiction.

2) Do they have actual experience in the roles they're portraying?

And as such, can perform the activity convincingly, safely and repeatedly for the duration of the shoot (Using a table saw, settling a baby, yoga, making gnocchi, sewing, yoga etc)

3) Would they agree to the fee offered?

4) Were they available for the date of the shoot?

The talent selected met all (4) of these criteria, and we believe the casting process, detailed above, resulted in casting genders that most people would associate with the roles we cast them for, reflective of wider sociographic trends.

The fact is, most of the female customers in the demographic we target will be the primary caregiver, should she and her partner have a baby. This is not an exception, but the norm. The Australian Bureau of Statistics paints a clear picture of today's parenting landscape:

- In 2017–18, for non-public sector employees: 94.9% of primary parental leave (paid or unpaid) was taken by women*

Source:

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Nov%202019~Main%20Features~Work%20and%20Family%20Balance~7>

- In Nov 2013, The average length of leave mothers took from their job for the child's birth and subsequent care (until the mother returned to or joined the workforce, or until the date of survey) was 32 weeks*

Source:

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/4102.0Main+Features10Nov+2013>

- For parents with a dependent child aged 0-5 years, only 64% of women participated in the labour force, compared with 95% of men*

Source:

<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4125.0~Nov%202019~Main%20Features~Work%20and%20Family%20Balance~7>

Likewise, many of our male customers are tradies, and according to Government statistics:



- *In 2019, 88.1% of the construction workforce is male*
<http://lmip.gov.au/default.aspx?LMIP/GainInsights/IndustryInformation/Construction>
and that number is even greater (up to 99%) amongst Carpenters and Joiners

Accurately reflecting an audience is not discrimination or vilification. It's simply upping the creative's chances of resonating with an audience; it's making a connection with them by showing them a situation they can relate to.

The disputed work has been on air for over 2 years now and this is the first such complaint it has received. Moreover, the Advertisement has resulted in increased enquiries and sustained sales, which to use is confirmation that the advertising has, and continues to resonate with our desired audience.

Additionally, no comments, judgements or criticisms are made about the specific genders or occupations depicted. Nor was any comment or characterisation offered of their worth, merit, stature, value or professionalism, except to say that they are all worthy and equally valued.

Section 2.2-Exploitative or Degrading Material

Smart Homes for Living believes the Advertisement does not contain any sexual appeal and is not exploitative or degrading in any way.

Section 2.3 - Violence

Smart Homes for Living believes that the Advertisement does not depict violence of any form.

Section 2.4 - Sex, Sexuality or Nudity

Smart Homes for Living does not believe that the Advertisement contains sexually suggestive images or language.

2.5- Language

Smart Homes for Living does not believe that the Advertisement contains any language which may be offensive to the audience.

2.6 - Health and Safety

Smart Homes for Living does not believe the Advertisement contains any images that:

- *are contrary to public health and safety, or*
- *promote unsafe practices, bullying or unrealistic body image.*

2.7 - Clearly Distinguishable Advertising

Smart Homes for Living believes that it is clear to the relevant audience that the Advertisement is commercial in nature.

In light of the above, Smart Homes for Living submits that the Complaint misinterprets the content of the Advertisement and that the Advertisement has not breached the AANA Code. Consequently, Smart Homes for Living requests that the Complaint be dismissed.



We hope that the information provided is sufficient in closing this matter out. However, if you require any further assistance or information, please do not hesitate to contact me.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that every portrayal of an activity in the advertisement is being performed by the gender of person stereotypically associated with that activity, and that this is reinforcing gender stereotypes.

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 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 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 noted the advertiser's response that statistically, women will be the primary caregiver should she and her partner have a child and that accurately reflecting an audience is not discriminatory.

The Panel noted that none of the people depicted in the advertisement were disparaged in any way, but rather the overall theme of the advertisement is that the



people depicted should be celebrated for their own type of smarts, whether it be parenting, cooking, emotional or craft smarts.

The Panel noted that it had previously considered a similar issue in case 0377-19, in which:

“The Panel considered that the advertisement did feature some people in gender stereotypical roles, however there was no suggestion in this advertisement that these roles are only associated with this gender, that they are the only options available to those genders, or that they are never carried out or displayed by another gender. 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.”

The Panel acknowledged that while the roles depicted in the advertisement may have a gender stereotype attached, there was no suggestion in this advertisement that the roles depicted are only able to be carried out by that gender, are the only option available to that gender, or that it is never carried out or displayed by the opposite gender.

The Panel considered that the women and men were not shown to receive unfair or less favourable treatment in the advertisement through their depiction in any of the roles, and that they were not depicted in a way which humiliates, intimidates, incites hatred, contempt or ridicule.

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 complaints.