



Case Report

1	Case Number	0397/14
2	Advertiser	AAMI
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/10/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values

2.1 - Discrimination or Vilification Gender

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

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A man shares his bath with his dog to save money. We see him use the soap on the dog and then on himself.

THE COMPLAINT

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

Please take this advertisement off.

Finally a naked man bathing with a large dog - suggests another sick dynamic.

We should be promoting healthy family life, not depicting it as incestuous and suggesting buggery.

This advertisement not only belittles and degrades an Australian grown male (gender) and attacks less fortunate people (possibly disabled) but it also impedes on Federal Laws such as Human Rights, Civil Rights and Equal Rights.

For starters, AAMI's advertisement is about having to bath to save water to save money by

bathing in the same water as family members. In a Court of Law a dog is not deemed a family member; it is a dog owner's possession. Dog owner's registration papers and dog's birth certificate prove this. The initial and lead up advertisement to this advertisement which Applies to discrimination affecting the rights set out in the ICCPR itself, and Requires governments to take measures regarding discrimination in society as well as by government itself.

A small number of human rights are recognised as absolute rights which cannot be limited for

whatever reason:

Freedom from torture and other cruel, inhuman or degrading treatment or punishment (ICCPR Article 7)

The 2 AAMI Insurance ads in question involve a family 'sharing' a bath. The other AAMI ad is a person and a full sized adult dog together in the bath; both ads cover an identical topic - insurance, but in a sick way...

Even though I don't watch many of the ads, it can't be helped but heard throughout the house, as the ads are like 10X louder than the shows...

Second ad hes naked in bath with a dog

I found the ads to very distasteful as one shows a man sitting in a bath with a dog, the aim being to save money? Also aimed at saving money. I find both ads revolting .

I am a fourth generation Australian and to see a grown man subjected to having to have a bath with an animal is not only revolting and distasteful, it also is showing not only to the general public but to young children ways of bad hygiene, morals and standards. To bathe in a bath, a person soaks in their own dirty water. To bathe with a dog is the lowest form of belittling and Discrimination. This advertisement not only belittles and degrades an Australian grown male (gender) and attacks less fortunate people (possibly disabled) but it also impedes on Federal Laws such as Human Rights, Civil Rights and Equal Rights. For starters, AAMI's advertisement is about having to bathe to save water to save money by bathing in the same water as family members. In a Court of Law a dog is not deemed a family member; it is a dog owner's possession. Dog owner's registration papers and dog's birth certificate prove this. The initial and lead up advertisement to this advertisement which belittles and degrades an elderly couple and their grown up son (living at home). It appears to me that the that it is obvious that the marketing of AAMI must be run by a young or middle aged woman. I can only assume this by the attack on elderly and what appears to be a misfortunate son at his age to be still living at home. I very much doubt that AAMI would bring out a young couple at home with a baby and a dog in the bath. It would be quite obvious that the general public would be totally outraged. A naked man in a bath tub with a dog, what next- bestiality? Recently a woman on the Gold Coast went to court over it. This

push for dogs in advertisements is going way overboard. Apparently Australia is adapting the European style. Somebody should tell advertising agencies that 40% of Europeans have a mental disability. Seven countries also allow bestiality.

I see that a complaint against the initial advertisement was dismissed on the 27/8/2014. This site says it takes all complaints seriously. We'll see after this. Now for the legal side of things.

Human rights are about recognising and respecting the inherent value and dignity of all people as stated by rights and freedoms act.

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

What are Australia's obligations?

The right to equality and non-discrimination includes both positive and negative obligations.

Australia's international obligations in this area require that

Laws, policies and programs should not be discriminatory. Public authorities should not apply or enforce laws, policies and programs in a discriminatory or arbitrary manner.

The law should provide protection against discrimination

Laws, policies and programs should promote equality.

Article 2.1 of the ICCPR

Applies to discrimination affecting the rights set out in the ICCPR itself, and requires governments to take measures regarding discrimination in society as well as by government itself.

A small number of human rights are recognised as absolute rights which cannot be limited for whatever reason:

Freedom from torture and other cruel, inhuman or degrading treatment or punishment (ICCPR Article 7)

Thank-you for your time

I have complained to AAMI about this and other ads. The second one is where a younger man is sitting in the bath with a big dog. I don't know where they come from but it is not Australia I am certain that normal Australians DO NOT bath with their dog.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response.

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 complainants' concerns that the advertisement depicts a man in a bath with a dog and this is distasteful and discriminatory and belittling of men.

The Board considered a majority of the complaints surrounded the issue of bad taste: distasteful, revolting, disgusting and sick. The Board noted that bad taste is not an issue which falls under the provisions of the Code and considered that this issue would therefore not form part of their determination.

The Board viewed the advertisement and noted that the advertiser did not provide a response. The Board first 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 the advertisement features a man in a bath with his dog and he uses the soap to start to wash the dog. The voiceover states that "there are easier ways to save," and mentions one of their policies for car insurance.

The Board noted the complainant's concern that the scenario is belittling and demeaning toward men.

The Board noted that the advertisement clearly suggests that bathing with the dog is a way to save money by sharing water. The Board noted that the situation the man is in, is not suggesting that he is inferior to anyone else or disparaging of him but instead is a lighthearted way of suggesting ways to save money.

The Board considered that although the man does not appear very happy about having to share the bath with the dog, he is not being depicted in a way that discriminates or vilifies against a section of the community on account of gender and did not breach section 2.1 of the Code.

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 complainants' concerns that there is an inappropriate sexual suggestion of bestiality as the man is naked in the bath with the dog. The Board noted that whilst it is not common for people to share a bath with a pet, there is nothing in the advertisement to suggest that there is any inappropriate or illegal behaviour occurring and considered that such an interpretation is one that is unlikely to be shared by the broader community.

The Board noted that the man is presumed naked because he is sitting in a bath. The Board noted that the man is not exposed and that the level of nudity is not inappropriate.

The Board noted whilst some members of the community may find the concept of sharing a bath with a dog to be distasteful, in the Board's view most reasonable members of the community would not consider the advertisement to contain sexual references or inferences. The Board considered that the actor in the advertisement is not depicted in a sexualised manner and that the advertisement does not contain any sexualised content.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted it had previously considered an advertisement for the same advertiser where human members of a family shared the same bath water (ref: 0338/14) and similar to that case, the Board considered that sharing a bath is not uncommon for children and considered that the advertisement does not suggest that all families should share water or bathe with their pets and considered that the man's reaction to the situation emphasises that it is not a good idea to share a bath with your pet dog.

The Board considered that the advertisement did not depict material contrary to prevailing community standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.