



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0414/18
2	Advertiser	Kerr's Hire
3	Product	Hardware/Machinery
4	Type of Advertisement / media	Radio
5	Date of Determination	26/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement' script is:Teacher : OK, in today's Adult Learning German class, we're going to try pronouncing some famous German brands. Now class, say it with me...'Wacker Neuson' (Vacker Noi-sun) <Few people say it correctly but Bruce says "Kerr's Hire" instead>

Teacher: Wait – Bruce, can you please say 'Vacker Neuson' on your own.

Bruce: 'Kerr's Hire' ... [under breath] On your own.

Teacher: That's clearly not right Bruce.

Bruce: Yes it is – Kerr's Hire is Geelong's official dealer of all their German-engineered construction gear. And just quietly, I think you're a bit of a vacker....

ANN: Kerr's Hire ... Geelong's official Wacker Neuson dealer. North Geelong, Grovedale and Ocean Grove. Kerr's Hire dot com dot au

THE COMPLAINT

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



I feel both ads are demeaning to woman.

THE ADVERTISER'S RESPONSE

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

We are disappointed that this Wacker Neuson commercial has caused offence, as we take a firm stance against sexism at Kerr's Hire.

Kerr's Hire has used Bruce in various situations to regularly deliver messaging in a series of commercials on Geelong radio over the last 8 years.

Bruce is a jovial character who whole-heartedly spruiks Kerr's Hire at every opportunity, always meaning well, but not everyone around him is on the same page.

Many listeners would already be familiar with these quirks of Bruce's personality.

This commercial, including various re-tags, has been on air since September 2014, and has received a positive response to date.

Addressing the Code issues surrounding the complaint:

Discrimination and vilification – Gender.

We don't believe this commercial incites hatred, serious contempt, revulsion, severe ridicule, nor is it discriminatory. The teacher of the adult-learning class was purely cast as a female voice-over to better-contrast with Bruce's style. The nature of Bruce's final 'bit of a Wacker' comment is clearly in retaliation to him being pulled up on his error; like a naughty school boy being chastised by the teacher. His response was designed to reflect an embarrassed school boy being cheeky under his breath back to the teacher. We used the term 'Wacker' which is both related in meaning to the word 'Wacky' and means a bit crazy and the brand of equipment supplied by Kerr's Hire – Wacker Neuson.

Exploitative or degrading - The series of commercials are clearly hammed up and fictitious in the acting, and not intended to sound like a real-life situation. The final comment shows he doesn't like the teacher, but isn't intended to be degrading.

Violence - Nil

Sex, sexualisation and nudity - Nil



Language - Nil

Health and Safety - Nil

Distinguishable as advertising - Yes. The commercial plays clearly within a commercial break, and is tagged as a listener would expect.

With the above-mentioned context of the commercial, we do not believe that sexism plays a part in this commercial, nor does it give cause for women to be ogled.

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 is demeaning to women.

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 that this radio advertisement features a man in a training seminar where a teacher is trying to get the character of Bruce to say the German brand name 'Wacker Neuson' (pronounced Vacker Noi-sun). Bruce repeatedly responds by saying Kerr's Hire before stating that he thinks the teacher is a bit of a "Vacker".

The Panel noted the complainant's concern that the advertisement is demeaning to women.

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 considered that the meaning of the term 'Vacker' as the man uses it is unknown, however there is a suggestion that this is derogatory.



The Panel considered that the use of this term is in poor taste, however it is not clearly making a comment about the woman in the advertisement in relation to her gender, and it is not a term that would be seen to be discriminatory or vilifying.

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 complaint.

