



Case Report

1	Case Number	0427/14
2	Advertiser	Thomas Jewellers
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features three men preparing for a round of golf. One man has a new watch which he says is “from Thomas”. The two friends appear confused as to who Thomas is. The voiceover describes the Father’s Day sale at the jewellery store and some of the sale prices.

THE COMPLAINT

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

I found this ad offensive as it is using and playing with the matter of gay people, also in a negative way. It indicates discomfort and uncertainty of the friend. It shows it to be undesirable. At best it is having a joke about the man receiving gift from another man ie 'Thomas'.

I believe the ad is in very bad taste and is inappropriate. Thankyou.

THE ADVERTISER’S RESPONSE

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

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 complainant’s concern that the advertisement portrays homosexuality in a negative manner.

The Board viewed the advertisement and noted that the advertiser did not provide a 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 the advertisement features three men preparing for a round of golf. One man has a new watch which he says is “from Thomas”. The two friends appear confused as to who Thomas is. The voiceover describes the Father’s Day sale at the jewellery store and some of the sale prices.

The Board noted that the men in the advertisement appear to be friends and that they are meeting up for a game of golf. The Board noted that as the first man admires his friend’s watch, he is shocked by the response from his friend who says “I got it from Thomas.” The Board noted that his reaction is clearly one of confusion and that he does not know who Thomas is.

The Board noted that as the information is passed on to the next man, he reacts in a similar way as he is also unsure of whom Thomas is.

The Board noted that the two friends do not question the friend about Thomas and therefore remain unsure of whether Thomas really is another man. The Board noted that the advertisement is set up to create this confusion in a light hearted way. The Board considered that it is clear to the audience that “Thomas” is the jewellery store and not another man.

The Board noted that even though the friends are confused they do not react negatively or in a derogatory way toward their friend and do not belittle him even though they think that he is disclosing something new about his sexuality.

The Board considered that the advertisement did not portray or depict material which discriminates against or vilifies a person on account of sexual preference.

The Board determined that the advertisement did not breach Section 2.1 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.

