



Case Report

1	Case Number	0449/12
2	Advertiser	BCF
3	Product	Leisure and Sport
4	Type of Advertisement / media	TV
5	Date of Determination	28/11/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

Two men are fishing with a bait/tackle box between them. They both reach for the bait at the same time and touch hands. They look uncomfortable for a few seconds and ignore one another, then one asks the other about how the footy was last night.

THE COMPLAINT

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

The ad is homophobic and pushes the idea that anything bordering on gay activity is a bad thing. It is a terrible example for kids to see.

THE ADVERTISER'S RESPONSE

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

BCF have been running the 'This is Living' campaign for over four years in an array of mediums, including Television, Radio, Print and Online. The strategic position of the campaign has always been intended, given the nature of the business, to encourage people

from all walks of life that 'life is better in the outdoors'. Past times such as boating, camping and fishing, as depicted by the campaign as a whole, are suggested to be healthy outdoor pursuits that promote healthy work life balance. Such pursuits are constructive, wholesome activities that are available to all members of the community and are believed to genuinely have a positive lifestyle influence.

The intention of the advertisement is merely to portray a lifestyle and in no way is there any reference to a distinct or specific portion of the community that discriminates on the basis of sexual preference, as suggested by the complainant. (Refer section 2.1 of the AANA code of Ethics).

The campaign utilises humor to create the theatre of the advertisement depicted in both scripting and creative execution. This element of humor is not suggested to immunise an advertisement from standards however is suggested to impact the overall impression that an advertisement would have upon a viewer.

In regard to the specific moment whereby the two men touch hands is suggested to be typical of a situation that could create an awkward moment between any two individuals regardless of sexual orientation and whether the interaction was between a male and female, or male and male. It is suggested that the touching of hands is typically an awkward moment in life for any two people outside of an intimate relationship and the humor attempts to create a resolution from the prior awkwardness by stating 'how good was the footy last night'.

The complainant refers to 'gay activity and homophobia is a bad thing' but at no stage was this directly or indirectly communicated as the humour relates to the touching of hands when they thought they were touching a Pilchard bait which has some resemblance to the texture of a human finger.

BCF Australia regrets any offence taken by the complainant pertaining to this advertisement however suggests that the advertisement is inline within the AANA code of ethics as it is expected that the campaign is in line with community standards that a reasonable person would not infer any reference to discriminate on the basis of sexual orientations.

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 concerns that the advertisement is homophobic in its suggestion that two men touching hands is something shameful.

The Board viewed the advertisement and noted the advertiser's 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 that the advertisement features two men accidentally touching hands when they both reach for the fishing bait at the same time and that they are subsequently shown to be uncomfortable about the incident.

The Board noted that it had recently dismissed the Pay TV version of this advertisement (case reference 0403/12) where it considered that “the portrayal of the men touching hands and appearing uncomfortable is presented in a manner which is light hearted and intended to humorously replicate a realistic scenario. The Board considered that although the men are shown to be a bit uncomfortable about touching one another’s hands, in the Board’s view most members of the community would agree that the portrayal is intended to reflect the reaction of two heterosexual men touching each other’s hands and that it does not make any suggestion that homosexuality is wrong or shameful.”

In this instance the Board considered that the uncomfortable reaction of the two men inadvertently touching hands could equally have been portrayed by a heterosexual couple or by two women and considered that consistent with its previous determination “the advertisement was a depiction of two men who are uncomfortable about accidentally grasping each other’s hands and who react in a stereotypical manner by breaking an awkward silence with a reference to the football. The Board considered that this could be interpreted in a number of ways but was not likely to be taken as a negative depiction of gay men, or homosexuality, or of heterosexual men.”

Based on the above the Board determined that, in this instance, that the advertisement did not depict any material that discriminated against or vilified any person or section of society. 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.