



Case Report

1	Case Number	0454/10
2	Advertiser	Greater Building Society
3	Product	Finance/Investment
4	Type of Advertisement / media	TV
5	Date of Determination	10/11/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

Video conferencing call between Jerry Seinfeld and his team and fellow employees of Greater Building Society.

Jerry is informed that Customer Satisfaction for Greater is 95%. Jerry and his team are not happy with this as they want 100% and Jerry decides he needs to visit 'down under' in order to sort this out.

One of Jerry's assistant's describes herself as his 'slightly more attractive than necessary' and another describes herself as his 'hotter assistant to Jerry's assistant' and comments that no-one can work when she is around.

The final screen shot shows Jerry wrestling with a toy crocodile and the words "Greater Building Society. 13 13 86. www.greater.com.au".

THE COMPLAINT

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

I have two main issues with this advertisement. I believe there is an inequity in the roles portrayed by the women in the advertisement and the comments are derogatory.

The men in the advertisement are dealing with a serious issue and the three women are portrayed as offering meaningless and insignificant solutions:

- a) The CEO's wife who offers a 'meaningless dinner'*

b) A female assistant who describes herself as "Jerry's slightly more attractive personal assistant" and

c) The assistant's assistant who in a revealing top says "I'm the hotter assistant to Jerry's assistant. No-one can work when I'm around". This particular comment is offensive to women. It is derogatory to women and makes light of the seriousness of sexual discrimination in the workplace.

Why do all the men hold senior positions and the women are portrayed as homemakers 'bimbos' and overtly sexual 'bimbos'? This is stereotyping women and is demeaning to suggest they have nothing meaningful to contribute in the situation.

THE ADVERTISER'S RESPONSE

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

By referring the issue to us for comment we understand the Bureau has identified this matter is one appropriate for its Board to determine. The referral to us thus raises the issue of whether the advertisement offends section 2 of the AANA Code. The substance of the complaint is based a perception of discrimination in the workplace.

Firstly, we believe it should be highlighted that the advertisement is clearly a 'parody' of a business event (an electronic video conference) intended to be comical, featuring typical Jerry Seinfeld exaggerated humour.

To offend section 2.1 the material would need to discriminate against or vilify a person or a section of the community on account of sex.

Portraying or depicting females in a work situation of itself (without something materially different in that portrayal or depiction) does not portray or depict discrimination or vilification based on sex.

The advertisement features one of the world's most famous comedians and uses comedic techniques to bring attention to the Greater's impressive 95% customer satisfaction level. Each character in the advertisement is portrayed in an equally comical light and no male or female is portrayed in a way which vilifies or discriminates against women as opposed to men in the workplace.

We do not consider it could be said that the females in the TV advertisement were any more stereotyped than the men. In our view the advertisement does not suggested it's appropriate, usual or acceptable to discriminate against women in the workplace. Indeed the gender of the persons depicted in the advertisement is not in themselves relevant factors to the message in the advertisement.

We find it difficult to suggest that a character depicting a CEO's wife could provide any adverse inference about workplace issues unless there was a direct reference by the CEO in relation to recognition of employees in the workplace based on sex and there is no such suggestion.

We do not believe that a turn of phrase used by any of the characters interacting with Jerry Seinfeld give rise to any stereotypical classification indeed, Jerry pokes fun at himself by underperforming and being "disappointed" at the 95% satisfaction levels – something which

is in our view at least as comical as having an assistant to an assistant (who would not be happy with a 95% satisfaction rate?).

We respect the complainant's views, but reject the insinuation that the women in the advertisement are portrayed as 'bimbos'. The attire, demeanour and conduct of each of the women in the advertisement is not such that necessarily identifies or stereotypes what may be attractive women as having low intelligence. Nothing in the attire or demeanour women in the add is design or could in our view suggest that women in the workplace are generally sexually promiscuous. We do not believe that characters in a comical situation describing themselves as more attractive than another or suggesting that others are not be able to work when they are around is suggestive or supportive of promiscuous attitudes or discrimination in the workplace.

We are sorry that the complainant feels this way, but we trust the Advertising Standards Bureau understands that the advertisement is simply a comical takeoff of business dealing regarding customer approval ratings and that the wider community would see the material in that light.

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 features an inequity in the roles portrayed by the women, and that the comments about the women are derogatory.

The Board viewed the advertisement and noted the advertiser's response

The Board first considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief".

The Board noted that the advertisement features a videoconferencing call between Jerry Seinfeld (an American comedian) and fellow employees of the Greater Building Society. The Board noted the complainant's concern that the women and men are portrayed in unequal roles. The Board considered that all the actors in the advertisement were portrayed in stereotypical ways, and that there were men, as well as women, playing support roles to the two main characters. In particular the Board noted the depiction of Jerry's personal assistants and the boss's wife and considered they were represented in a stereotypical manner. The Board considered that the depictions are exaggerated, and noted the lighthearted, comedic tone of the advertisement. The Board considered that, in this instance, the advertisement did not depict any material that discriminated against or vilified women or men.

The Board determined that the advertisement did not breach section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that in the advertisement, one of the women describes herself as “Jerry’s slightly more attractive than necessary personal assistant” whilst another women describes herself as Jerry’s “hotter assistant to Jerry’s assistant”. The Board noted that some members of the community, including the complainant, could find these descriptions derogatory and sexually suggestive. However the Board considered that as they were made by the women themselves, and given the overall humorous tone of the advertisement, they were not overtly sexualised and the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.