



Case Report

1	Case Number	0459/14
2	Advertiser	S&P Constructions
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - men
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The advert is set on location at an S&P House. A muscular 'Tradie' (male) works in the yard and on the house while the women make comments which appear to be about the tradie: "Look at the size of that!" "Mmm, beautiful" "Just so strong and lasting" but are revealed at the end to be in relation to the quality of build.

THE COMPLAINT

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

I found the way the women made sexual comments about the male offensive. A deliberate use of inappropriate comments referencing a new house but using the comments while showing a man in shorts and a hard hat working around the house.

THE ADVERTISER'S RESPONSE

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

Our intention with our advert from the outset was to sell houses to women as it is women that make up the majority of our digital audience.

Our proposition to our customer is that the best reason to build a new home with S&P is that we are a quality builder, our houses are effectively 'well built'.

Considering our aim to demonstrate the nature of something "well built" to a demographic that is women between 25 and 45 years of age. We sought to create a parody / spoof of the Diet Coke advert of the 1980's an early 1990's that sold the Diet Coke product very successfully to that same demographic.

1) In response to the complaint under section 2.1 Discrimination or Vilification of Gender

i) S&P were guided by our media partners that the advert with its W rating was appropriate for the time and programmes that showed in Townsville and the regional area.

ii) The complaint refers to the showing of the advert within a television show called 'The Block / The Glass House'. Within the television show itself a number of the principle characters are attractive young men who are building / renovating an apartment. They are often shown on camera either without shirts, on or in singlets etc, portraying the same kind of aspirational image of a male builder that we have portrayed in our advert?

iii) On the same free to air TV channel an advert for a local Tyre Yard depicts two women dressed in Rubber / Leather Bondage gear with a Whip. The double entendre in that advert describes a man with a "love of rubber" personified in the two overtly sexualised female characters. This advert continues to air.

iv) A similar advert within the construction industry for Allaro Homes depicts a girl in a bikini in a swimming pool, I see no evidence of censorship due to vilification of gender in this case.

2) In response to the complaint under section 2.2 Objectification Exploitative and degrading - men

i) S&P were guided by our media partners that the advert with its W rating was appropriate for the time and programmes that showed in Townsville and the regional area.

ii) The complaint refers to the airing of the advert within a television show called 'The Block / The Glass House'. Within the television show itself a number of the principle characters are attractive young men building / renovating an apartment. They are often shown on camera either without shirts on or in singlets etc, portraying the same kind of aspirational image of a male builder that we have portrayed in our advert?

iii) The complaint refers to the "comments referencing a new house". So the maker of the complaint does demonstrate his understanding of the nature of the double entendre. A double entendre that is very mild, ben humorous in terms of its sexuality and the objectification of the male character in it.

iv) The comparison to the Tyre yard advert with the female characters dressed in black rubber bondage clothing continues to air and I see no evidence of it being censored for its

sexualisation of women.

3) In response to the complaint under section 2.4 Sex/sexuality/nudity S/S/N general

i) S&P were guided by our media partners that the advert with its W rating was appropriate for the time and programmes that it showed within in Townsville and the regional area.

ii) The complaint refers to the airing of the advert within a television show called 'The Block / The Glass House'. Within the television show itself a number of the principle characters are attractive young men building / renovating an apartment and they are often on camera either without shirts on or in singlets etc, portraying the same kind of aspirational image of a male builder that we have portrayed in our advert?

4) A broader perspective of advertising in Townsville and the region

The complaint describes the exploitation of men in the S&P "Well Built" television commercial and the sexualised nature of it's content. I would suggest that any mildly sexual, double entendre or innuendo in the context of the region's advertising, demonstrates a greater understanding of the market and is in no way degrading to men or the male character in the advert.

In the Townsville region we have demonstrated above how similar adverts, that it could be argued depict women in a sexualised way, have received no such censorship and continue to be broadcast.

In the Townsville region, one can see Billboard advertising for local strip bars the size and width of a building, the debate continues on the readiness of the Thuringowa region to house a 'Hooters' franchise. Regional advertising on television as demonstrated above depicts overtly sexual female characters in leather / rubber bondage clothing brandishing a whip, to create a double entendre. I see no such censorship of the these adverts.

Most importantly the television show that the advert was broadcast in, depicts similarly attractive young men in various states of dress and undress working on a renovation project in a house. The young and aspirational message that we are trying to present to the right market in the right place.

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 depicts women making inappropriate sexual references about a man which is offensive.

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 this advertisement features two women talking about the quality of their house whilst simultaneously seeming to admire a shirtless tradesman.

The Board noted it had previously dismissed a similar complaint about women admiring a man in case 0200/13 where:

“The Board noted that the advertisement features a man removing his tee shirt and drinking a can of diet coke whilst being openly admired by a group of women. The Board noted the complainant’s concern that it is offensive to show a man being ogled by women and considered that the man in the advertisement removes his top after he becomes aware that the women are watching him and that he appears to be enjoying their admiration. The Board noted that at the end of the advertisement the man is shown walking away then looking over his shoulder to smile at the women and considered that this action further enforces the overall impression that the man is openly flirting with the women and is happy to acknowledge and encourage their appreciation.

The Board noted the complainant’s comment that if the genders were reversed the advertisement would not be tolerated and considered that the Board’s role is to consider each advertisement on its own merit and that addressing hypothetical alternatives is not part of their role.

The Board noted the light-hearted and humorous tone of the advertisement and considered that the depiction of the man enjoying the women’s admiration and the women openly admiring the man are not depictions which amount to discrimination or vilification against either gender.”

In the current advertisement the Board noted that the woman’s comments are revealed to be double entendres regarding the quality and strength of the house rather than the man. The Board noted that the tradesman is wearing only a pair of shorts and work boots and considered that it would be unlikely that he was not aware that the women would be appreciative of his muscular physique. The Board considered that the suggestion that the women were admiring the man was not a depiction would amounts to discrimination or vilification against either gender.

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 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted that some members of the community would consider it to be exploitative to use a man's, or a woman's, body to sell a product but considered in this instance that the man is working as a builder and that he is not presented in a manner which is degrading. The Board considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading.

The Board determined that the advertisement did not breach Section 2.2 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 that the level of nudity in the advertisement is relatively mild and considered that it is not uncommon to see men without shirts during warmer weather. The Board noted that there is no physical interaction between the man and the two women and considered that whilst the woman's comments have very mild sexual innuendo in the Board's view it is made clear that the woman's comments are in relation to the house and not to the man.

The Board noted that the advertisement had been rated 'W' by CAD and considered the level of nudity and the sexual innuendo were relatively mild and not inappropriate in the context of a broad audience which would include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement 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 that the man in the advertisement is depicted as a builder. The Board noted that the man appears to be wearing appropriate footwear for the minor building tasks he is performing and considered that overall there is no suggestion that the man's actions would be against prevailing community standards for a tradesman in the circumstances depicted building without a shirt.

The Board noted that the man is not wearing a hat or shirt and considered that consistent with its previous determinations (0119/13 and 0008/14), the Australian community is aware of the sun safe message and it is not an advertiser's role to actively promote this message so long as they don't actively discourage it. The Board noted in the current advertisement it is not made clear how long the man is outside without his hat or top, or whether he is wearing the appropriate sun screen and considered that the advertisement does not actively encourage or condone unsafe behaviour with regards to sun 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 complaint.