



Ad Standards Community Panel  
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AdStandards.com.au

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0460/18
2	Advertiser	Koala Sleep
3	Product	House Goods Services
4	Type of Advertisement / media	Radio
5	Date of Determination	24/10/2018
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.1 - Discrimination or Vilification Physical Characteristics

2.4 - Sex/sexuality/nudity S/S/N - general

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features the voiceover: Fun fact about koala mattresses - roughly 2 percent of Australia owns one. 2 percent. That's basically the same percentage as redheads in Australia. And they're fairly similar too if you think about it. Our mattresses stay indoors, so do redheads. Our mattresses are great in the bedroom, so are redheads. Our mattresses come with a 120 night trial to test them out and so do... actually redheads only have a 90 day trial now that I think about it. Start your trial today at koala.com.

## THE COMPLAINT

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

*As someone with red hair, I am frustrated with the stereotypes about people with this colour hair and frequently find generalisations in media and advertising. This ad crossed the line by talking about how redheads are 'good in bed' and offended me as it just perpetuates the stereotypes and assumptions about someone based on their appearance and hair colour.*



## **THE ADVERTISER'S RESPONSE**

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

*Koala employed prominent redhead comedian Michael Beveridge to write and voice this ad. He had featured in a national on-air capacity for 5 years on the same network that the ad was running and had been the face of various ginger/redhead based campaigns and movements, most notably the Australian Ginger Pride Rally. In short, he's a ginger's ginger and love's getting behind anything and everything redhead related.*

*Pursuant to Section 2.1 - Advertising or Marketing Communication 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, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*We believe we have not discriminated or vilified in any way a group of people unfairly. We believe we have not made unjust claims based on what is morally right and fair by a member of that community. We believe we have not been prejudicial as we have shown no harm to a group of people that is any way detrimental. We believe we have not vilified any group of people as we believe we have not spoken in an abusively disparaging manner.*

*Pursuant to Section 2.2(b) - Advertising or Marketing Communication shall not employ sexual appeal: (b) in a manner which is exploitative or degrading of any individual or group of people.*

*We believe that no reasonable person of sound mind would hear our ad and think that Koala is exploiting the redhead community in a way that is detrimental or degrading.*

*Unfortunately, we probably have breached Section 2.6 - Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety*

*Because believe you me, there is no prevailing community standard that would ever suggest that redhead blokes can be used as anything near to being sexy.*

## **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 presents negative stereotypes about those with red hair and a sexual reference.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that this advertisement references red heads being "good in bed".

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 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 noted that a previous case had considered whether red hair can be considered as a section of the community in case 0099/18, in which:

"The Panel noted the Practice Note for Section 2.1 of the Code defines 'race' as 'viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality...'. The Panel considered that the advertisement referred to the 'ginger gene' and considered that in the context of this advertisement red hair is referenced as a hereditary trait contained in genes. The Panel considered that DNA can be considered to be related to ancestry and descent and therefore considered that in this context the reference to people with red hair falls within the definition of race and can be considered under Section 2.1 of the Code."

However, the Panel considered that in this advertisement there is no reference to DNA or heritage. The Panel noted that some members of the community may be uncomfortable with the portrayal of a stereotype related to those with red hair; however this is not a section of the community included in the provisions of the Code and that this advertisement therefore cannot be considered under Section 2.1.

The Panel determined that the advertisement did not breach Section 2.1 of the Code

The Panel 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 Panel noted the complainant's concern that the advertisement contains an



inappropriate sexual reference.

The Panel considered that while the phrase “good in bed” has a level of sexual innuendo, it is not explicit and would not be considered inappropriate by most members of the community in the context of an radio advertisement for a mattress company.

The Panel considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

