



Case Report

1	Case Number	0493/14
2	Advertiser	Davey Water Products
3	Product	House Goods Services
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/11/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This is the 2nd part of a two ads that are generally shown in the same ad break. The male has installed a Davey water pressure system to the house which has allowed for a constant even flow of water throughout the house. The female, who has been very unhappy about the surge in water pressure is now very happy because she can have an uninterrupted shower- thanks to the Davey Torrium Pressure controller. She is so happy that she invites the male to join her in the shower, to which he replies, "Sh-beep yeah!"

THE COMPLAINT

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

There is no need for the wife in the advertisement to invite her husband to join her in the shower. There is no need for him to swear. The advertisement should certainly not be aired in peak viewing times when children could be watching. Even my 15 year old son was shocked and disgusted by the advertisement.

*Prime time television with children watching.
Women offering male to get into shower with her.*

*Males language was beeped out.
This is inappropriate at this time of viewing.*

THE ADVERTISER'S RESPONSE

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

In response to compliant 0493/14 Davey would like to initially point to the fact that this Television Advertisement being objected to was in fact previously shown in 2005. The current version has merely been updated to reflect the latest version of our product, but in a very real sense is identical to the previously aired advertisement. From the best of our knowledge we received no complaints regarding the Code of Ethics items 2.1 through to 2.6 inclusive.

The advertisement was also subject to all due processes in approvals etc., prior to going to air.

In specific response to the Code of Ethics points:

2.1 - Discrimination or vilification: We do not believe this advertisement includes any example of this.

2.2 - Exploitative and degrading: We do not believe this advertisement includes any example of this.

2.3 – Violence: We do not believe this advertisement includes any example of this.

2.4 - Sex, sexuality and nudity: We do not believe this advertisement includes any example of this. The fact that a wife might ask her husband to join her in a shower does not in itself make a sexual connection. Many people shower together and do not engage in sex.

2.5 – Language: We do not believe this advertisement includes any example of this. We agree that the implication is that the husband may have sworn, but we would argue that the words “beeped out” may not have been actually offensive. In any case to offend through someone’s implication alone is extremely restrictive.

2.6 - Health and Safety: We do not believe this advertisement includes any example of unsafe OH&S.

Overall the advertisement is light hearted and entertaining. It has been well received by the vast majority of viewers across the country, who have taken the advertisement as intended – a light hearted way of communicating an issue (and solution) which many people not connected to mains water supply encounter.

While we are sorry that some viewers have taken offence, we are confident that the advertisement is acceptable to the vast majority of the population.

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 features an inappropriate scenario of the woman offering for her husband to join her in the shower and it also includes inappropriate language that is not suitably beeped out.

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

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 advertisement is the second part of an advertisement campaign that features a woman in a shower commenting to her husband about how good the water pressure is and then invites her husband to join her in the shower. He quickly gets up from the table to join her.

The Board noted that the woman is not seen in the shower but it is evident that is where she is. The Board noted that the couple are clearly husband and wife and that the woman is so impressed with the improvement in the water pressure that she wants to share the shower experience with him.

The Board noted that there may be a suggestion of sexual intimacy that may follow but that this is implied and is a theme that would not be understood by young children. The Board noted that there is no inappropriate nudity or sexual activity and that the advertisement did depict sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board noted that as the wife asks her husband to join her in the shower, he jumps up from the table and appears to remark "shit yeah". The Board noted that the word "shit" is bleeped over and that it is assumed that the man says "shit yeah" but the actual word is sufficiently covered by the beep sound. The Board considered that in any case the word is used in a context consistent with Australian colloquial language and would not be considered strong or obscene.

The Board considered that the advertisement did not use language which was strong or obscene and did not breach Section 2.5 of the Code.

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