



Case Report

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| 1 | Case Number | 0499/17 |
| 2 | Advertiser | Catch Group |
| 3 | Product | Retail |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 08/11/2017 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- 2.2 - Objectification Exploitative and degrading - men
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

There are men at the urinals together who start screaming about a deal "Catch."

THE COMPLAINT

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

I was so offended by men touching each other while urinating. My 12 year old granddaughter was in the room and I had my adult son visiting. It is extremely offensive and embarrassing in mixed company. This add should be restricted to late night television or changed altogether

This ad is immature, inappropriate and totally irrelevant to the service being promoted. It is offensive in the following manner:

- 1. Exploitative and degrading . The men are depicted as holding their genitals using a urinal, leaping around and screaming at each other. What are they promoting - are their genitals the "catch of the day ?"*

2. *Contravenes community standards on health and safety with regard to hygiene. Public toilets are dirty enough without promoting men leaping around urinating as acceptable behaviour. What has urinating got to do with the site "catch.com"*

THE ADVERTISER'S RESPONSE

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

I represent the advertiser, Catchoftheday.com.au Pty Ltd, which operates the website 'Catch.com.au'. We refer to the above complaints made in relation to our ongoing advertising campaign and provide the requested information as follows:

There have been two complaints in relation to the advertisement to which we are required to respond. The AANA has identified the requirement to respond to all sections of the Code. Our response below addresses each section of the Code, as well as the specifics of the complaint. In summary, the advertisement is deliberately absurd, humorous and irreverent. The humour is derived from the juxtaposition of the awkward social setting (a urinal stall) and the character's 'over-the-top' reaction to the mundane question "Nice watch, where'd you get it?".

The advertiser believes that the advertisement is neither offensive by any prevailing community standard or in breach of the code.

2.1 – Discrimination or Vilification

The advertisement simply depicts two men standing at a urinal, with two very simple, inane (albeit delivered humorously) lines of dialogue. This section of the code prohibits portrayals or depictions of people that discriminates or vilifies based on certain characteristic, none of which are relevant to the advertisement or anything depicted in it. It makes no express or implied discriminatory statement or vilification of any person or group.

2.2 – Exploitative and degrading

Sexual appeal is simply not employed in the advertisement in any fashion, either express or implied. The characters in the advertisement are deliberately not sexually appealing – they are blandly dressed office workers. The advertisement features no nudity or suggestive language or imagery. The complaint is irrelevant to this section of the advertisement given its complete lack of sexual appeal.

2.3 – Violence

There is not portrayal of violence, express or implied, in the advertisement.

2.4 – Sex, sexuality or nudity

There is no sex, sexuality or nudity employed in the advertisement. The men do not touch each other as suggested by the complaint.

2.5 – Language

There is no strong or obscene language employed in the advertisement. The lines of dialogue delivered are inane and inoffensive.

2.6 – Health and Safety

This section of the Code requires that an advertisement shall not depict material contrary to Prevailing Community Standards on health and safety. Nothing depicted in the advertisement is unhealthy or unsafe, it depicts the normal, every day act of going to the urinal.

While the verbal reactions of the characters themselves are over-the-top (from which the humour is derived), they do nothing inherently unsafe or unhealthy. They simply continue about their business at the urinal stall in normal fashion following the comical reaction to the

question.

2.7 – Distinguishable as advertising

The advertisement is clearly distinguishable as advertising. The complaints reveal as much – one refers to ‘Catch of the day’, the former trading name of the advertiser, which is not mentioned in the advertising. This shows clear recognition of the subject of the advertising. The other complaint states they are not sure what the ad is about, only to state ‘bargain shopping or the like’, again showing a clear indication they were aware of what the advertising was about.

The advertiser believes it is clear the advertisement is for their shopping website. The advertisement closes with the advertiser’s logo and the tag line ‘screamin’ good deals’, referencing the content of the advertisement and making it clearly distinguishable as to what the advertisement relates.

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 degrading to men, and against prevailing community standards regarding hygiene.

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

The Board 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: (a) where images of Minors, or people who appear to be Minors, are used; or (b) in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

“Exploitative - means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values.

Degrading – lowering in character or quality a person or group of people.”

The Board noted that in order to breach this Section of the Code the advertisement would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted the advertisement features two men standing at a row of urinals. One man looks to the other and comments that he likes his watch and asks “where did you get it?” The second man screams “Catch.” The two men then continue to scream out “catch” while looking at each other. The voice over provides details about catch.com.au – screaming good deals.

The Board noted the complainants concerns that the advertisement degrades men and is generally offensive.

The Board noted that the product is an online store for a variety of products being offered at

reduced prices. The Board noted the online name “catch.com.au” is linked to the types of deals being offered and referred to as “catch of the day.”

The Board noted that men are presented standing at a row of urinals and as they continue to scream “catch” to each other it appears unusual and silly. In the Board’s view, the advertisement was intended to be a silly representation of the website name and did not purposefully debase or lower in character the quality of the men and did not breach Section 2.2 of the Code.

The Board then 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 the location of the men in the urinal and noted that they both appear to be urinating and holding their genitals.

The Board considered that the depiction of the men talking to each other while urinating is something that some members of the community may not like but that in this instance the men are fully covered and the advertisement does not feature any nudity. The Board considered the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience and 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 the complainants concerns that the men were leaping around the urinals. The Board viewed the advertisement and noted that while one man does raise one arm up and out to the side of his body, neither of them move their feet or leap or move away from the urinal.

The Board noted that the men do not touch each other and considered that it is impossible to tell whether the men wash their hands after they have finished, however based on the advertisement as presented, the Board considered that the men do not act in a manner that is against prevailing community standards regarding hygiene in a bathroom and the advertisement does not breach section 2.6 of the Code.

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

