



Case Report

1	Case Number	0510/16
2	Advertiser	Allpest WA
3	Product	Professional Service
4	Type of Advertisement / media	Radio
5	Date of Determination	07/12/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

A radio advertisement in which features a customer calling Allpest and asking several questions regarding they types of pests they get rid of, including asking 'what about my husband?'. A voice over states that Allpest don't 'do husbands' but they do get rid of almost any other type of pest. The man responding to the woman's questions also states that they don't do husbands.

THE COMPLAINT

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

Gender stereotyping where the caller asks this company (presumably) if they 'do husbands'. Would it be any more or less acceptable if the caller asked this company if 'they did wives' as opposed to husbands. I suspect it most certainly would not be

THE ADVERTISER'S RESPONSE

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

2.1 - Discrimination or vilification The ad does not discriminate or vilify any person or section of the community.

2.2 - Exploitative and degrading The ad does not employ any sexual appeal to exploit or degrade any individuals or group of people.

2.3 – Violence The ad does not mention, infer, portray or present violence.

2.4 - Sex, sexuality and nudity The ad does not involve, sex, sexuality or nudity.

2.5 – Language The ad does not contain any inappropriate, strong or obscene language.

2.6 - Health and Safety The ad doesn't depict any breaches to Health and Safety.

Overall the advert is a light hearted and jovial theme that Allpest has been using for over 10 years. It's very well received by the whole community with customers and members of the public of both sexes often making comments and repeating the joke when introducing themselves on the phone or at their front doors. Allpest's Radio ads with this theme have also won the National Gold Siren award on 2 occasions as well as placing 3rd in International awards. There has also been 3 similar complaints in the past and all times the Advertising Standards Bureau has dismissed the complaint after the investigation (one radio ad with the exact same script with different tag lines) and one TV ad that has the same sound file.

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 a negative stereotype of husbands.

The Board reviewed 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 radio advertisement features a customer calling Allpest and asking several questions regarding the types of pests they get rid of, including asking 'what about my husband?'. A voice over states that Allpest don't 'do husbands' but they do get rid of almost any other type of pest. The man responding to the woman's questions also states that they don't do husbands.

The Board noted the advertisement's suggestion that the woman's husband is a pest and that she was looking to get rid of him.

The Board noted that it had recently upheld an advertisement for Ashley Maddison (0036/15) for discriminating against wives:

“The majority of the Board however considered that ‘other than my wife’ is a statement which singles out wives as a group of people and implies that wives are not important within a marriage, can be replaced and to a degree normalises seeking someone other than your wife. The Board noted the advertiser’s response that the tone of the advertisement is intended to be funny.

The majority of the Board however considered that the emphasis on the term ‘wife’ gave a strong message that ‘wives’ are inadequate or somehow lacking and that this suggestion is degrading to wives and does amount to material that demeans or makes people think less of wives. The majority of the Board considered that this element of the advertisement breached section 2.1 of the Code.”

The Board noted that in the current advertisement the voice over and the male employee’s mention of ‘we don’t do husbands’ meant that the implication was all husbands are pests, not just the husband mentioned by the woman in the ad. Consistent with the previous determination the Board considered that this statement singles out husbands as a group of people and implies that they are pests and need to be gotten rid of.

The minority of the Board considered that this humour was consistent with acceptable family banter and that the humour in the advertisement was clear and did not suggest that the woman’s joke should be taken seriously, and that there was no malice or suggestion that she wished to hurt her husband.

The majority of the Board felt that comparing husbands to pests is degrading and vilifying of husbands. The Board noted that it had previously dismissed similar advertisements from this advertiser in 2005 (264/05 and 265/05) and 2010 (30/10), however the majority of the Board felt that community standards in this area have changed, and that this style of humour was no longer acceptable.

The majority of the Board felt that this advertisement did discriminate against and vilify husbands on the basis of gender.

The Board considered that the advertisement did portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of sexual preference or nationality.

The Board determined that the advertisement did breach Section 2.1 of the Code.

Finding that the advertisement breached Section 2.1 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Allpest is very disappointed in the Board choosing to uphold the complaint. Our campaign using this radio ad has already ended and thus we are not choosing to take the matter further but are extremely confident that if an Independent Review was conducted it would find the

decision to be reversed.

The majority of the board has made a decision after comparing the ad to an Ashley Maddison (0036/15) case. Allpest's ad cannot and should not be compared to this advertising as it's a totally different context and situation. The public's community standards also reflect this as there has been over 600 complaints in the Ashley Maddison case, which is in total contrast to the single complaint received to our radio advertising. It should also be noted that the board dismissed a similar complaint of Ashley Maddison in 2014 and only changed their decision based on a continued amount of complaints. This is not the case with the Allpest radio ad, which receives daily praise by our customers and general public, again confirming that the community see the context very differently in their standards. The decision is also inconsistent with previous determinations of the Board as Allpest has had similar cases in the past all rejected which indicates the "feel" the Board has on community standards is misguided and their decision was more based on the other case rather on its individual merits. The community clearly see the difference and we are happy that some members on the board did assess the case on its own merits and noted the complaint was humorous and no malice was intended.

The advertising phrase "we don't do husbands" is born from a tongue in cheek humour as a play on Allpest's motto, "We care about your family". The phrase is very well received by the community and won various advertising awards both nationally and internationally. Any assertion or "feeling" by the Board that the phrase is discriminatory or vilifies husbands because of their gender is based on no facts but on how they "felt" it conformed with community standards is polar opposite to feedback from the public.