



Case Report

1	Case Number	0542/16
2	Advertiser	Hayeswinckle
3	Product	Real Estate
4	Type of Advertisement / media	Print
5	Date of Determination	07/12/2016
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Violence
- 2.3 - Violence Weapons

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement features an image of an older woman wearing a nightdress and holding a shot gun. The text reads, "Is your property manager a grumpy old cow? Relax, nice ones do exist...Hayeswinckle".

THE COMPLAINT

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

I believe it is ageist, sexist, and is not in keeping with concern re domestic violence.

THE ADVERTISER'S RESPONSE

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

Our response

Ageist ? the picture is an older person I didn't know it was discriminatory to use pictures of older people. We disagree.

Sexiest ? If we used a man in this advertisement would have that then been sexiest as well? We disagree.

Violence ? with weapons, the image is of an older woman with a gun protecting herself as though on a farm, living alone etc – We fail to see how this is violent or threatening?

In regards to Domestic Violence issues, I think this lady is drawing an extremely “Long Bow” we have no comment on this and find it absurd that she is trying to tie this in with DV issues.

We disagree with her complaints, and frankly find this offensive, our business gives generously to a number of Geelong Charities.

The word “cow” is from the dictionary meaning “unpleasant or disliked woman.” Again this is a factual thing.

Finally, the ad was a “bit of fun”. Real estate property managers can be known to be “Grumpy Old Cows”, treating tenants and landlords badly. The ad also states “Relax nice ones do exist”

In my business we do not tolerate this, we believe we are entitled to freedom of speech and we are simply letting the Geelong public know that we treat our tenants and landlords with respect. There are more than 300,000 people in Geelong and I may be wrong but I believe this was the only formal complaint regarding this advertisement.

If I can be of any further help please do not hesitate to contact myself.

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 was ageist and sexist.

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 print advertisement features an image of an older woman wearing a nightdress and holding a shot gun. The text reads, “is your property manager a grumpy old cow? Relax, nice ones do exist...Hayeswinckle”.

The Board noted that the advertisement referred to the woman being depicted as a ‘grumpy old cow’. The Board considered that the stereotype of an older woman being grumpy is a negative one.

The Board noted the advertiser’s response that the word ‘cow’ is in the dictionary as

‘unpleasant or disliked woman’, and considered that the use in conjunction with the image of an older female is demeaning and that the use of the word ‘cow’ is also negative and is degrading to women.

The Board considered that referring to someone as a ‘grumpy old cow’ was using a negative stereotype of older women and that that this stereotype was vilifying the woman on the basis of age.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that the woman was holding what appeared to be a gun and that this was pointed away from the audience.

The Board noted the complainant’s concerns that this advertisement was not in keeping with concern regarding domestic violence. The Board considered while the image of a woman holding a shotgun may be considered violent, there was no indication that the woman was threatening anyone. The Board considered that there was no context in the advertisement to suggest domestic violence and that the advertisement did not contravene community standards messages around domestic violence.

The Board then considered whether the advertisement depicted general violence.

The minority of the Board considered that as the gun was not pointed at the audience the actions of the woman were not violent or threatening.

The majority of the Board noted the advertiser’s response that the image was showing an elderly woman defending herself, however considered that in the context of the woman being a property manager this interpretation was unlikely.

The Board noted that the depiction of someone holding a gun is not of itself a depiction of violence.

The majority of the Board considered that showing a woman holding gun may not on its own suggest strong violence, however in the context of the woman being referred to as a ‘grumpy old cow’ the depiction can be seen as threatening and as a depiction of violence.

The majority of the Board considered that the depiction of violence was not justifiable in the context of advertising property management.

The Board determined that the advertisement did breach Section 2.3 of the Code.

Finding that the advertisement breached Section 2.1 and Section 2.3 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

With regards to the complaint, the measure we intend to take is that the Advertisement in question will not be published again.

