



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0547/18</b>
2	<b>Advertiser</b>	<b>Moranbah Dental</b>
3	<b>Product</b>	<b>Professional Service</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>23/01/2019</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features two women sitting at a bus stop when a red convertible with two men approaches. The car stops in front of the women, and one of the men sneeze and his dentures fly onto the dashboard. The car then drives away.

## THE COMPLAINT

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

*The 2 women are being sexualised and demeaned by being ogled. Being ogled by men is also a form of harassment.*

*It is also suggesting a stereotype of men, that they are perverts.*

## THE ADVERTISER'S RESPONSE

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





*my reply to this complaint is that I believe they are reading in too much innuendo that simply isn't there . we constructed this add specifically to have characters that are well dressed and presented there was no lurid clothing or angles of shooting. The intention was to 2 guys saying hello to 2 girls and the embarrassing sneeze causes them to take off. There is no vocals exchanged and I believe all the conjecture by the complainant about the guys being perverts etc is merely an opinion not fact as complained about .you will have to decide if this flaunts any laws . but I feel there should be some sort of freedom of expression in this country .*

## **THE DETERMINATION**

The Ad Standards Panel (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 was sexist and portrayed the women as being ogled by men.

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

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 complainant's concern that the advertisement was demeaning towards women and suggested that all men are perverts.

The Panel noted the advertisement featured two women sitting at a bus stop talking. A red convertible with two men stops in front of the bus stop and the men smile at the women. The driver sneezes and his dentures fall out and the men drive off embarrassed.

The Panel noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

"Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule".

The Panel considered that the intent of the advertisement is to show that the men stop because they want the women to notice them, however the women in the advertisement were shown as smiling and happy and do not react negatively when the two men stop in front of them. The Panel considered the men aren't seen to approach the women in an aggressive or unfriendly way, and that it is unclear from the brief



interaction whether they know each other.

The Panel considered that neither the men or the women are shown in a way which would humiliate or ridicule them, and that neither gender is depicted as receiving unfair or less favourable treatment.

The Panel determined that the advertisement did not discriminate against or vilify any person or section of the community on account of their gender and did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states:

“Advertising or Marketing Communication shall 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 or degrading of any individual or group of people.”

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

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised.  
Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainant’s concern that the advertisement depicts women as sexualised and being ogled by men.

The Panel first considered whether the advertisement contained sexual appeal.

The Panel considered that while there was a suggestion that the men stopped in front of the women because they were admiring them, it is unclear whether they know each other. The Panel considered that there is no sexualised language, poses, clothing or behaviour in the advertisement.

The Panel considered that the intent of the advertisement was to show an embarrassing situation resulting from poor dentistry, and that the advertisement did not contain sexual appeal.

The Panel considered that the advertisement did not employ sexual appeal and did not breach Section 2.2 of the Code.



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