



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 16/07   |
| 2. Advertiser                 | SBS Corporation (summer programming)  |
| 3. Product                    | Media   |
| 4. Type of advertisement      | Internet  |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Discrimination or vilification Age - Section 2.1 |
| 6. Date of determination      | Tuesday, 13 February 2007   |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This internet advertisement begins with a blue cocktail drink being picked up by a hand which we find belongs to an older sun-tanned woman wearing a bikini. She smiles at her companion alongside whom is an older man, also sun-tanned and wearing swimming briefs. The couple are seated on lounges beside a swimming pool. Text appears reading "Thankfully, not everyone has less on over Summer", as the couple sip their drinks.

## **THE COMPLAINT**

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

*I found this advertisement offensive in that the spirit of the ad implies that somehow if you are a woman of middle age (being 40 or 50) and you are wearing a bikini that somehow you aren't "attractive" and that the image used is demeaning to women of middle age. It implies that this age has no worth, or that somehow by wearing a bikini at this age is unpleasant. I also find the image of a male being overweight is also demeaning. SBS should not have to demean people on the basis of their attributes (in this instance weight size and a woman's age and her clothing choices) to highlight their programming strengths.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*The message that SBS intends to convey by the slogan is that, unlike other broadcasters, SBS maintains its commitment to the highest standards of broadcasting during the summer non-ratings period.*

*The images used in the advertisements do not, and are not intended to, discriminate against or vilify people on the basis of their weight or age. The images are meant to work as humorous caricatures that exaggerate elements of lifestyles that could be considered to be in bad taste, with the emphasis on the characters' state of undress providing a visual pun on the slogan.*

*The advertisements do not imply that all middle-aged or older people should not wear swimming costumes or sunbake. It is rather the characters in the advertisements in particular, as caricatures, that enable the eye-catching visual pun to work. The characters are an exaggerated pastiche of styles meant to represent bad taste.*

*The image of the overweight man without a top mowing the lawn works in the same way. The exaggerated effect of the caricature provides the material for the visual pun. The advertisement*

*does not vilify overweight people.*

*It is SBS's view that the campaign should be viewed as a whole, parodying a wide range of lifestyles and characters and therefore cannot be seen to be discriminating or vilifying any one group.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

For the first advertisement, featuring the older couple sunbathing, the Board viewed the advertisement and considered whether it breached Section 2.1 dealing with discrimination and vilification on account of age.

The Board agreed that the advertisement was not so much making fun of the age of the couple, but rather of the swimsuits, the over-tanned skin, the cocktail glasses and the general accoutrements that were portrayed as generally tacky and unappealing.

The Board agreed that the advertisement did not breach Section 2.1 on the basis that it discriminated or vilified an age group.

For the second advertisement, featuring the overweight man with the lawnmower, the Board viewed the advertisement and considered whether it breached Section 2.1 dealing with discrimination and vilification.

The Board agreed that the advertisement was largely making fun of the unflattering image of the overweight man in unattractive shorts. The Board agreed that while the advertisement might have been considered 'mean' by the broader community, the advertisement was making fun of an individual's appearance rather than an entire section of the community.

The Board agreed that the advertisement did not breach Section 2.1 on the basis that it discriminated or vilified any particular population group.

As a further comment, the Board considered the advertisement to be tasteless and cruel, and not in keeping with the spirit of SBS's charter, part of which is to promote diversity in Australia's community.

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