



## CASE REPORT

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| 1. Complaint reference number | 226/08  |
| 2. Advertiser                 | Advertising Advantage                               |
| 3. Product                    | Professional Services                               |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1 |
| 6. Date of determination      | Wednesday, 9 July 2008                              |
| 7. DETERMINATION              | Dismissed   |

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement begins in a building foyer. A man is farewelling a woman.

DAVE: Yeah, thank you so much. We'll be in touch.

The woman exits via a revolving door just another man enters.

The second man, Chris approaches Dave while looking admiringly over his shoulder at the exiting woman.

CHRIS: Hey, who was that!!?

DAVE: She's a radio station rep. Nice, huh?

CHRIS: Radio? You advertise on radio? Oh how the mighty have fallen....

DAVE: It's budget cuts mate. There's no money left for TV this year.

CHRIS: You sure about that?

DAVE: What?! Oh this is your Advertising Advantage "leverage" speech?

CHRIS: Well, Ok...they do 'leverage' radio sized budgets and have success with them on TV.

DAVE: TV campaigns for the price of radio? Yeah pigs! Bet they don't have reps like that.

He indicates the business card of the woman who just left.

CHRIS: But what about the numbers.

DAVE: I got the only number that counts, mate. Hers.

CHRIS: Laughs (in disbelief).

Text on screen: [advertisingadvantage.com.au](http://advertisingadvantage.com.au)

Advertising Advantage also submitted a follow-up ad for the Board to consider as part of the first advertisement.

Again the advertisement begins in a building foyer. Chris is farewelling the female radio rep. He looks after her admiringly.

DAVE: Really? I can get a TV campaign with a radio budget?

Chris nods and pats Dave on the shoulder reassuringly.

CHRIS: Sacrifices, mate.

Male VO: TV for the price of a radio campaign? That takes leverage. Text on screen: [advertisingadvantage.com.au](http://advertisingadvantage.com.au)

## THE COMPLAINT

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

*Two men are discussing their advertising methods, leering and speaking disrespectfully about a woman who is a radio advertising sales rep. They are suggesting that, in one man's particular case, he prefers to use radio because he deals with a good looking female sales representative. It is misogynistic and of extremely bad taste.*

*Sexist, deceptive. This company taints the advertising industry by its practices. As a training*

*practitioner in this industry I strongly object to these tactics and the use of the term 'leverage' in their advertising. This is a common industry term and for them to suggest that this is an intellectual property is misleading and deceptive to the extreme.*

## **THE ADVERTISER'S RESPONSE**

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

*Advertising Advantage do not consider the advertisement has breached the AANA Code Of Ethics, section 2.1, and believe it complies with the section "Advertising should not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief."*

*We take our responsibilities as an advertiser very seriously and as an agency and advertiser are committed to maintaining community standards.*

*It is no way our intention to be derogatory and discriminatory to any section of the community.*

*This advertisement is part of a comic series of executions juxtaposing two different marketing types. One who has shallow and selfish motivations, the other more pragmatic and reasonable in his approach.*

*The particular execution in question came to life from the insight that many advertisers do not know they can afford TV advertising with a radio sized budget.*

*This execution was subsequently tested with our target market and generated a positive outtake, and was seen in the light it was intended - as a light hearted and humorous portrayal of an exchange between two marketing types.*

*It is a comic dramatic presentation of an exchange between three characters where one is attracted to another, which has clouded his commercial judgment. This behaviour is portrayed as shallow and selfish and is seen in a negative light and the commercial makes light of his shallowness.*

*We would argue that there is neither portrayal of discrimination nor vilification of women in this advertisement.*

*We would argue that there is the intentional light hearted portrayal of shallow and selfish behaviour which is cast in a negative light for comic effect.*

*We would strongly argue that the one character's attraction to the female character does not in itself constitute vilification, and that the majority of the advertisement is spent looking at that characters behaviour in a critical light.*

*We would note that it is not our intention, nor the out take of our test audience that the advertisement portrays women in a discriminatory or demeaning manner.*

*We would note that the advertisement contains no sexual references or comments that could be deemed discriminatory or offensive to either sex.*

*In relation to the specific complaint made that refers to "two men leering and speaking disrespectfully about a woman" and "It is misogynistic and of extremely bad taste." We strongly reject this on the basis that no party is spoken of disrespectfully and in no part of the advertisement is there a portrayal of any hatred or prejudice toward either sex. If anyone could be said to be characterized negatively it is the shallow male character.*

*One complaint describes the advertisement as "two guys talking about how one guy could get laid by buying advertising from a female advertising representative" where their reason for concern is that the advertisement is "sexist and deceptive".*

*We would note that there are no sexual references in the commercial, there is nothing which demeans either sex and the ad makes no representations about sex in return for advertising.*

*However we do make light of one male character's shallow and selfish personality traits.*

*We do not believe we have entered into any deceptive conduct in relation to our use of the term "leverage".*

*In summary we would argue this advertisement portrays neither discrimination nor vilification of women.*

*This is a light hearted and comic look at two marketing types, and through testing and the positive responses received since going to market with this campaign, we believe the majority of people are viewing the advertisement in this light.*

## **THE DETERMINATION**

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

The Board viewed the television advertisement and agreed that whilst it featured many old fashioned ideals it was not misogynistic but could be considered to be in bad taste.

The Board considered that while main character's actions could be perceived as creepy, the themes explored in the advertisement did not constitute workplace harassment or discrimination generally.

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