



CASE REPORT

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| 1. Complaint reference number | 343/09 |
| 2. Advertiser | Weight Watchers |
| 3. Product | Slimming |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 12 August 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts an office scene, where two women are standing by the water fountain chatting whilst eating a weight watchers muesli bar. A male colleague approaches them and interrupts their conversation and says “gotch ya, gotch ya ’”, pointing to what they are eating. One of the women shows him that it is a weight watchers muesli bar. Later, the same man approaches the two women and sits confidently with his legs wide apart, which exposes his groin. He interrupts again and tries to enjoin their conversation by saying “weight watchers, weight watchers”. The women look amused. When the man goes back to his office, his fingers are stuck to the keyboard. The women quietly say to themselves “gotch ya, gotch ya”.

THE COMPLAINT

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

I would like to complain about the Weightwatchers ad which features a male office worker approaching two female workers in two scenes, then getting his fingers glued to a keyboard. The male is deliberately portrayed as an idiot - that is the way the part is written - and the two females, who, of course, are not allowed to have any negative characteristics whatsoever, treat him with utter disdain. He is depicted as an undesirable person, not because of anything he actually does (he does not do or say anything particularly obnoxious), but because he is male. In the final scene he has his fingers glued to his keyboard by the females, much to their amusement. Very sophisticated. Of course, if two males did this to a female it would be seemed cruel, and would never get shown on television. However, predictably, this ad gets an airing, because everyone knows that females acting vindictively to a male in an ad is somehow okay (though only in the minds of ignorant people). Can we put a stop to the continual denigration of men? Or is this sexist bigotry deemed okay simply because it is the male who is hit or hurt. I'm sorry, but if it would be deemed disgraceful to do this to a female, then it is disgraceful to do it to a man. This is a fact, and will be a fact long after those people in the ad are in their graves. Sexism is ENCOURAGED against men, it seems, but against women it is not allowed. This is an ignorant, inhuman view, and I can tell you that future enlightened generations will marvel at this kind of thing, which is so entrenched now that uneducated folk assume it to be harmless. Did the male in the ad make the terrible mistake of trying to be liked by those females? Well, unfortunately the only way a man gets a date with a girl in this world is if he approaches her. There is no other way. Lucky for the girl she does not need to approach the man. If she did, would we condone her being put to ridicule in the manner of this ad? Of course not. The man is made a fool of simply because the females in the ad are not attracted to him. Wow. That's a good reason to hurt someone. Perhaps you will show an ad with males hurting a female simply because she does not physically appeal to them?

How are men meant to get sufficient confidence to ask out a girl if they are constantly held up for ridicule when they do?

No wonder young men commit suicide at a rate of ten men for every woman. You can pretend to yourselves that what goes on screen has no deep effect on viewers but you are absolutely wrong. The media teaches girls to be unkind to men. If you know of one single ad where a girl is kind to a man

let me know(I'm serious, write me at the above address).

I believe this ad glorifies and condones workplace harassment, bullying and horseplay
http://www.worksafe.vic.gov.au/wps/wcm/resources/file/ebce57435dee769/vwa_violence_bull.pdf

There have been cases of people suffering serious injury caused by idiots putting 'SuperGlue' on train seats etc.

This ad encourages and validates poor and potentially dangerous behaviour.

There is bound to be a rash of copycat cases because people will see this behaviour as acceptable and funny!

THE ADVERTISER'S RESPONSE

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

For the purposes of responding to the complaints received, we have assumed that the board will examine the commercial in order to determine whether it contravenes clauses 2.1 and 2.6 of the Code of Ethics.

For the sake of clarity, we do not consider that any other provisions of the Codes of Ethics are relevant in this case, nor any provisions in the Food and Beverages Code or the Children's Code.

We note that clause 2.1 and 2.6 of the Code of Ethics states that:

2.1 "Advertising or Marketing Communications shall 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."

2.6 "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community

Standards on health and safety."

Weight Watchers is of the strong view that the commercial complies with Section 2 of the Code of Ethics.

Clause 2.1

In our view the commercial does not discriminate against a person on the account of sex / gender. The suggestion by the complainant that there is gender bias against the male colleague is incorrect. The commercial could easily have been reversed and a female colleague or a female boss could have been used to play the fool, and in such case, the effect of the commercial would have been the same. The creative intention behind the commercial was to communicate to viewers (in a non serious and comical way) that Weight Watchers now produces healthier for you snack food products and therefore, rather than snacking on unhealthier junk products, people are free to exhibit their "naughtiness" in different ways - in this case, a harmless prank which could have been played on both male and female alike. In fact, we advise that the wider "Naughty Naughty" campaign featured a range of "naughty" fun exhibited by both males and females.

Clause 2.6

We also maintain that the commercial does not breach clause 2.6 of the Code of Ethics.

In particular, we note for the board that all scenes are slap stick comedy and completely over the top. The characters in the commercial were instructed to over act so that it would be clear to viewers that the situation is an obvious spoof rather than being a real scene. The entire commercial is clearly absurd and not intended to be taken seriously by viewers. We are of the strong belief that the audience would have appreciated the tongue in cheek nature of the commercial.

While we do not believe that any viewer would actually take the commercial seriously, we deliberately showed "strong glue" being used in the prank rather than "super glue". The complainant's suggestion that "super glue" was used is incorrect. We note that there is a big difference between the two types of glue, "strong glue" (like Tarzan's Grip) is easily removed, while "super glue" is more adhesive. In any event, given the very absurd nature of the commercial, we do not believe that the scene condones dangerous behaviour or workplace harassment, or encourages

copycat acts.

In addition, we ask that the board consider the target audience for the commercial. We confirm that this commercial, and the “Naughty Naughty” campaign generally, targeted adults specifically. This is supported by two important factors:

a. The commercial was set in an office environment which meant that it only featured and appealed to people of working age;

b. The media placement was 100% off peak which meant that a large percentage of placements occurred while children were at school.

We are confident that the adult target audience would have appreciated the overall humour of the scenes and would have understood that the commercial was not to be taken too seriously.

Code for Advertising to Children

We do not believe that the commercial falls within the scope of the Code for Advertising to Children on the basis that it is not targeted at children. This is supported by the above.

Food and Beverages Code

We do not believe that the commercial breaches any provision of the Food and Beverages Code.

Final Comments

We are confident that reasonable minded adult viewers would not have been offended by the commercial and would have appreciated the comical slapstick nature of the situation and the creative intention behind the commercial. Therefore, ultimately, whilst we respect the complainants’ rights to express their concerns, we do not consider that we should tailor the advertisement in order to placate their views in this particular instance.

Moreover, for the reasons discussed above, Weight Watchers maintains that the commercial complies with the Code of Ethics (including the Food and Beverages Code and the Code for Advertising to Children) and therefore sees no reason to withdraw or change the advertisement in light of the complaints received.

We trust that the above serves to clarify the issues raised by the complainants and assists the ASB to make a balanced assessment on our “Naughty Naughty” commercial.

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 complainants' concerns that the advertisement was out of touch with community standards in relation to workplace relations and portrayed the men in a demeaning manner and could engender the unkind treatment of men by women.

The Board, in considering whether the advertisement was in breach of section 2.6 of the Code, referred to the advertiser’s response that the creative intention behind the advertisement was to communicate to viewers, in a non serious and comical way that Weight Watchers now produces healthier snack food and therefore, rather than snacking on unhealthier junk products, people are free to exhibit their “naughtiness” in different ways.

The Board reviewed the advertisement and noted that the man’s behavior in the advertisement was objectionable and intrusive. However, the Board noted that the advertisement was intended to be a humorous take-off/serve up, of a character from the television programme ” The Office”, who is renowned for demonstrating awkward/strange behavior.

The Board noted that there was no depiction of the process by which the keyboard was glued and the adhesive used was depicted as strong glue, as opposed to superglue. The Board considered that the suggestion of the glue on the keyboard, was intended to be a humorous prank and was not intended to be taken seriously, the Board determined that the advertisement did not breach Section 2.2 of the Code.

Members of the Board noted that the target audience to which the advertisement was directed would be of sufficient maturity and discernment to understand that the depiction of the man with his fingers glued

to the keyboard was intended as a lighthearted prank. The Board determined that the advertisement did not breach section 2.6 of the Code.

Finding that the advertisement did not breach any other sections of the Code, the Board dismissed the complaint.