



CASE REPORT

1. Complaint reference number	353/08
2. Advertiser	Hybrid Television Services
3. Product	Telecommunication
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Tuesday, 16 September 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a young man watching television in his lounge room. Suddenly he jumps up, grabs his TiVo remote control and walks out of the house, announcing "My life has changed. This is a revolution!" and strides purposefully up the street. Along the way he is joined ever-increasingly, by friends, neighbours and television personalities. Various members of the crowd detail the features available with the TiVo remote control, and the advertisement ends with the original man stating "No one's gonna tell us what to do! When to do it! Because we're Australian! And we're taking control! Join the revolution. TiVo! TV your way!" As the crowd raise their remote controls in the air, the man kneels on the ground, and his wife walks up and takes his, saying "Give me that!" at which he comes "back to earth" from his euphoria, and replies "Sorry, love..."

THE COMPLAINT

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

The TV ad offering "TV your way" (Tevo?). Same old recipe. Everyone marches victoriously toward the screen with the remote control, ending the usual way with the female snatching the remote from the male, who says "Sorry love". Sorry for what? For holding the remote control? You can't be serious. Why does he need to apologise for holding the remote control? Does that mean she has to apologise when she holds it? It makes no actual sense. Once again the female is shown getting the upper hand while the male is trumped. We've seen it so often we've stopped asking valid questions.

I acknowledge the ad is harmless in itself, but together with the glut of anti-male ads, it represents yet another breach of good taste and fair play.

(By the way, the drippy hero of the ad says "we're Australian" while the tune of land of Hope and Glory which I had assumed was a particularly English tune (often used as England's national anthem in the commonwealth games) plays in the background.

THE ADVERTISER'S RESPONSE

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

We have reviewed the complaint submitted and understand that (the complainant) is of the view that the advertisement is in breach of section 2.1 of the Advertiser Code of Ethics, which provides that 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 sex. We reject any suggestion that the TiVo advertisement is 'anti-male', or that it constitutes a "serious breach of good taste and fair play", as alleged by (the complainant). To the contrary, and as acknowledged by (the complainant), the advertisement is completely harmless and light-hearted, and there is nothing being done to the male character which would be considered unacceptable

had it been done to a woman. A reasonable viewer would know that the advertisement does not discriminate against men in any way and that should be sufficient to put the complaint to rest. However, as (the complainant) has invited a dissection of the advertisement, we will do so below. The level of concern expressed in (the complainant's) letter would suggest that the man and woman are sitting watching television together in the living room when she snatches the remote from him and he apologises for holding the remote. We respectfully submit that (the complainant) has completely overlooked the circumstances in which the male character apologises to the female character when she takes the remote from her husband. The advertisement depicts a man obsessed with his TiVo digital video recorder, to the point that he storms out of the house without warning, takes the remote control out of the house while the television is still going, breaks a pot plant on the way out the door, gets out into his neighbourhood to stir up a "television revolution" and screams out his message at the top of his lungs as if he is leading a protest march or indeed, a revolution (when in fact, he is just outside his house in suburban Australia). The action taken by the woman (taking the remote and saying "Give me that") are arguably to stop him creating such a scene in their street, and to take the remote control back inside the house where the television is playing, not for simply "holding the remote control" as suggested by (the complainant). Further, the man's apology is arguably because of his impulsive and irrational behaviour, because he has removed the remote control From the house, because he has broken the pot plant and created a scene in the neighbourhood. Had the "neighbourhood revolutionary" in the advertisement been played by a woman, her husband would have been depicted in the same way: he would have tried to settle her down and taken the remote back inside. There would exist no grounds for complaint were the gender roles reversed - as set out above it is the unusual behaviour itself which is the subject of the apology, not the fact that a particular sex is engaging in such behaviour. It is our strong view that the advertisement does not treat the male character less favourably than a woman would have been treated in the same or similar circumstances. We hope you will consider our response favourably.

THE DETERMINATION

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

The Board considered the application of Section 2.1 of the Code, relating to discrimination and vilification. The Board considered the advertisement drew on a stereotype about men and remote controls in a comical manner. However, the Board did not consider the portrayal was discriminatory towards males generally. The Board noted the advertiser's response about the character removing the remote control from the house and creating a scene outside.

The Board determined that the depiction of the man in the advertisement did not constitute discrimination on the basis of gender and therefore that Section 2.1 was not breached.

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