



CASE REPORT

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| 1. Complaint reference number | 354/09 |
| 2. Advertiser | Couta Group (Pex Plumbing) |
| 3. Product | House goods/services |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Discrimination or vilification Sexual preference – section 2.1 |
| 6. Date of determination | Wednesday, 12 August 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

Radio advertisement with two tradesmen speaking. One of the men is upset because he just flushed the toilet and hot water came out. The other man replies that if you use “water plex pipes” which are color coded you avoid cross-connections. The other man replies, “there will be No cross-dressing on my work site”.

THE COMPLAINT

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

I am transsexual and feel ads like this just add to the general community feel that we "don't count" when it comes to Vilification or discrimination. I have contacted the company's Melbourne Office.

THE ADVERTISER’S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following: *I write in response to the aforementioned complaint received by Gaspex for a recent radio campaign broadcast on SEN 1116. As the person responsible for writing the commercial, it is with great regret that it's content has been cause for offence. At no point did we intentionally set about to vilify or discriminate against “cross dressers” – it was a “tongue in cheek” remark made about cross dressing on a worksite targeted at tradies – the apprentice says “cross connections” and the boss thinks he says “crossdressing” – which would be extremely dangerous on a worksite. When the person responsible for the complaint contacted Gaspex directly, Andrew Comans apologized to them and explained that the ad was due to come off air the following week as we were in discussions about new creative. This has since been done and the commercial in question has been off air since the beginning of July. Whilst we take the person's complaint seriously we don't believe we have been in breach of the code 2.1.*

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 complaints' concerns and considered the advertisement under Section 2.1 of the Code which states:

“Advertisements 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”.

The Board noted the reference of one of the character's to “cross dressing” and considered that in

some contexts, such a reference could be offensive or discriminatory to some members of the community. However, the Board considered that the underlying message in this advertisement was depicting an older and out-dated boss, who was being informed by his younger employee of the latest products.

The Board considered that whilst the advertisement might be perceived as offensive by some members of the community, that most members of the community would understand that the advertisement was directed to a specific target audience with a slapstick approach to making a joke of those who are out of touch and was not an attempt to vilify or discriminate against people who cross dress.

The Board was of the opinion that the reference to cross-dressing was “lighthearted” and did not contravene section 2.1 of the Code.

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