



CASE REPORT

1. Complaint reference number	360/09
2. Advertiser	Energy Australia
3. Product	House goods/services
4. Type of advertisement	Print
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Wednesday, 12 August 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement depicts a man (Shane) and a woman (Madge) sitting on a couch in front of a television set. The man is holding his head and the woman has a vacant expression. The caption reads: "Wastes energy explaining LBW to Madge". In smaller writing at the bottom of the page, the advertisement reads: "We don't believe in wasting your energy on ours. That's why you find lots of energy saving tips on our website. Shane and Madge discovered they could make their home thermally efficient with ceiling insulation. What's more, they're entitled to a government rebate. Visit energy.com.au to see what we can do for you."

THE COMPLAINT

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

I object to the ad as I think it is discriminatory to women. The woman is Caucasian and blonde and portrayed with a vacant blank look on her face. The man appears frustrated and holds his head in his hand. The ad states "Wastes energy explaining LBW to Madge." I think this is a contravention of section 2.1 of the AANA Code of Ethics. It portrays a person in a way that discriminates against that person on account of that persons sex.

The basic interpretation appears to be that women are stupid and wont understand the concept of LBW and that its a waste of time bothering to explain something to a woman because women don't have the intellectual capacity of men ... so save your energy.

What is patronising in this ad is the portrayal of the scene in a 1970's retro style and while this might have been a common attitude towards women 30 years ago the use of the image to capture attention in 2009 supports and encourages the discrimination of women.

THE ADVERTISER'S RESPONSE

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

Thank you for your correspondence relating to a complaint that you have received in relation to one of our print advertisements ("Wastes energy explaining LBW to Madge").

The nature of the complaint relates to the fact that the advertisement depicting a man with his head in his hands explaining LBW to a blonde woman could be considered discriminatory to women. This is certainly not the intent of the advertisement.

The "Wastes energy explaining LBW to Madge" advertisement is one of a number of executions in our "Wastes Energy, Saves Energy" brand campaign. This intention behind the campaign is to depict the different ways that consumers waste physical energy and juxtapose this with the ways in which EnergyAustralia can help consumers save electrical energy (i.e. be energy efficient). As such, the campaign is a light-hearted way in which to highlight EnergyAustralia's energy

efficiency tips, and is certainly not intended to be discriminatory or offensive.

We acknowledge that any depiction of a woman in an advertisement as intellectually inferior on account of her gender would indeed be discriminatory and in breach of section of Section 2.1 of the AANA Advertiser Code of Ethics. However, we strongly refute that the advertisement implies, as described in the complaint, that "women are stupid and won't understand the concept of LBW", or that "women don't have the intellectual capacity of men". We are not sure that the advertisement would have carried this implication even if the man had been depicted trying to explain say a financial, political or scientific concept, because that would require the woman to be interpreted as representing all or most women. That reading would be at odds with a strong element in the campaign, which is to present very individual and at times idiosyncratic characters and relationships rather than to present stereotypes. For example, one of the advertisements in the campaign depicts an elderly woman listening to the band Powderfinger.

In any event, even if the individuals in the advertisement were interpreted as representing their gender in the way suggested, the rules of cricket or any sport are not an intellectual pursuit, and we do not think that depicting a person as knowing or not knowing them can be seen as reflecting on his or her intellectual capacity. Cricket rules and the concept of LBW are part of a recreational interest area and the advertisement is intended to create a comic scenario about different interest areas within the household depicted.

Finally, it should be noted that the creative concepts developed in the "Wastes Energy, Saves Energy" brand campaign, including the "Madge" advertisement, were tested in two consumer focus groups prior to the launch of the campaign. These focus groups included a number of women of all ages, and at no time was any offence taken or raised to the "Madge" advertisement.

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 noted the complainant's concern that the advertisement was demeaning to women and the caption: "wastes energy explaining LBW to Madge" encouraged the discrimination of women.

The Board reviewed the print advertisement and noted the response of the advertiser which stated that the advertisement was intended to depict a comical scenario about the different levels of interest within the household.

The Board agreed that whilst some members of the community may consider the reference to the blonde woman as a discriminatory portrayal of the woman's intelligence, that most members of the community would consider this advertisement to be a lighthearted and slapstick approach to advertising the saving of energy and that the suggestion is just that the woman in the advertisement is not remotely interested in cricket rather than questioning her intellectual capacity.

In determining that the advertisement did not breach section 2.1 of the Code and did not breach the Code on other grounds, the Board dismissed the complaint.