



## CASE REPORT

1. Complaint reference number	388/09
2. Advertiser	Whirlpool Appliances
3. Product	House goods/services
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 Portrayal of sex/sexuality/nudity – section 2.3
6. Date of determination	Wednesday, 9 September 2009
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

Bert Newton is dressed to depict his own mother and describes how good her Whirlpool refrigerator is and how much her son (Bert Newton) likes the fridge, with particular attention being paid to the freezer at the top, which means Bert does not have to "bend-over" as some of his producers do. (Sitting in the kitchen with Mrs Newton is Molly Meldrum (dressed as a woman) having a cup of tea).

## THE COMPLAINT

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

*The reference to "bending over" is crass and it was difficult to explain to my four year old boy why his miming bending over and then licking an ice cream was not at all funny. Exposure to this kind of humour is not able to be understood by my children I have concerns that the acceptance of adult/sexual issues could make them less alert to advances from sexual predators.*

*Sexual insinuations that offend me.it seems to say that her son has to give sexual favours to the producers of his show to get ahead. lewd and totally unsuitable for general public consumption.It is insulting to women. it is slimy in its reference to Meldrum's "bending over for producers." and as such inappropriate for its insinuations about gay people.*

*it is inappropriate in the extreme.. it is insulting and self indulgent by bert newton and molly Meldrum .. i don't wish to see their preference for dressing in "drag"on my tv nor do i want to know about Molly Meldrum's sexuality. it is not appropriate as an advertisement for appliances which one might say is targeted at the female population who may be the ones who predominantly purchase the white goods for a household. it is highly insulting to see these two self indulgent egotists dressed as women behaving so insultingly .*

*It held connotations of the Homosexual Act and other than that connotation there was no reason for Mr. Burt Newtons words at all.*

## THE ADVERTISER'S RESPONSE

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

*We write in response to complaints received regarding Whirlpool's "Guess Whose Mum" 30 second television commercial titled "Bert", to address issues which may fall within Section 2 of the AANA Advertiser Code of Ethics, specifically sub sections 2.1 and 2.3.*

*We have reviewed the complaints submitted, which appear to be centred around 3 key areas:*

- *Connotation of a homosexual act*

- Content being derogatory / insulting to females
- Personal distaste of the humour portrayed

*It's our firm belief that the complaints are without foundation across each of these areas. We anticipate the following explanation of the spot and its wider campaign and historical context will serve to satisfactorily dismiss any concern, particularly that which may relate to section 2 of the Code.*

*The execution in question is one of two television and three print advertisements that form the current Whirlpool "Guess whose mum" campaign. The campaign promotes the Whirlpool brand of white goods and broadly targets women 30-50 years. The creative concept draws on a style established by Whirlpool during the 1970's and 1980's, in a campaign featuring Dame Edna Everage. This campaign is widely regarded as one of the most famous in the history of Australian advertising and was recently featured on the national television program 20 to 1.*

*The current campaign adopts a very similar format and style to that of the original, using tongue in cheek dialogue to humorously highlight product features. The execution in question features Bert Newton and Molly Meldrum, each dressed in women's clothing and portraying their own mothers. These iconic Australian TV personalities are depicted in a ludicrous, over the top setting and the vaudeville, comic nature of the advertisement reflects a style both personalities are highly regarded for, in the eyes of the Australian public. Exaggerated and unreal, the advertisement is designed to engage and entertain the viewer through the absurd and humorous nature of the scenario.*

*It must be clarified that the synopsis of the spot outlined by the complaints received 11/8/09 and 12/8/09 are inaccurate interpretations of the scenario depicted and indeed it is difficult to understand how such a distorted interpretation of the commercial has been derived.*

*Further, the comments seem to verge on emotive, homophobic ramblings in parts, rather than a factual understanding of the continuity or message presented.*

*The complainants draw attention to the phrase "bend over", used in the script. This phrase is a widely recognised as a populist colloquial expression, meaning that a person is made to do something they don't want to do. Its use parodies well publicised incidents of disagreement between TV producers and television personalities and we believe is appropriate in the context of the campaign. The phrase and its wider copy are also used in one of the campaign's magazine advertisements. This advertisement has featured very heavily in mainstream consumer magazines over the last 12 months, in titles including Women's Weekly, House and Garden, Who and Sunday Magazine. No negative feedback nor complaints of this nature have been received over the 12 month period the ad has been in circulation. On the contrary, we've been pleased to receive much positive feedback from the Australian public regarding the campaign, in addition to very positive PR coverage in mainstream media, including Melbourne's Herald Sun, the Australian and national TV Program A Current Affair. All this suggests that the campaign is in sync with popular culture and mainstream beliefs of what is appropriate.*

*We reiterate our strong belief that there is no contravention of section 2 of the Code. Additionally the specific concerns outlined in the complaints received would appear to be isolated perceptions of the television commercial, rather than a populist interpretation of its intent.*

*Whirlpool Australia and its agencies are strong supporters to the AANA Code of Ethics and we consequently take matters such as this very seriously. In this instance however we believe it to be without foundation.*

## **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 indirectly had connotations of a homosexual act and there was no need for the product to have lewd and suggestive material in the advertisement; and, that the advertisement was insulting to women and of the intelligence of consumers generally, because of the gutter type humour and the way the character of Bert Newton's

mother was portrayed, fluttering her eyelids and talking in an inane voice.

The Board reviewed the advertisement and noted that the advertisement depicts Bert Newton and Molly Meldrum dressed as their mothers and marvelling over the new Whirlpool fridge in Mrs Newton's kitchen.

The Board considered whether the advertisement was in breach of section 2.1 and 2.3 of the Code.

Section 2.1 of the Code relates to vilification on the basis of sex or sexual preference and Section 2.3 states that sex, sexuality and nudity shall be portrayed with sensitivity to the relevant audience and where appropriate, the relevant time zone.

Members of the Board agreed that this advertisement was a humorous depiction of two iconic personalities on Australian television and drew upon a similar advertisement campaign from the 1970's and 1980's featuring Barry Humphries (a popular Australian male comedian who plays the well-known female character, Dame Edna Everage).

The Board considered the response of the advertiser that the reference to "bend over" used in the script was widely recognised in the community as a popularised colloquial expression, meaning that a person is made to do something that they do not want to do. It's use in this advertisement was used as an analogy to feature the freezer being at the top of the fridge.

In considering the overall impression that a consumer would take from this advertisement, the Board considered that some people would take a sexual connotation from the advertisement but it was relevant to the well-known personalities and subtle enough not to be inappropriate for a younger audience and therefore was not in breach of section 2.1 or 2.3 of the Code.

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