



CASE REPORT

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| 1. Complaint reference number | 417/09 |
| 2. Advertiser | Weight Watchers |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1 |
| 6. Date of determination | Wednesday, 28 October 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This TVC depicts a male walking into his office at work to answer the phone, he pulls out his chair and the entire content of his desk, falls onto the floor. Two female colleagues who are chatting together in the kitchen eating weight watchers sundaes say to each other "gotch ya, gotch ya". Voiceover states "The weight watchers snacks – how will you be naughty now?"

THE COMPLAINT

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

It demonstrates clear workplace bullying. The women sabotaged the man's office to cause humiliation and inconvenience to him. I believe that if the roles in the ad were reversed the ad would have not been allowed to go to air. work place bullying should not be encouraged and is a serious problem. The fact that it is women bullying a man does not make it any better than the other way around, and in fact it is made worse that it is 2 vs 1. it is unacceptable to have this advertisement shown at any time. it trivialises the issue for people that are a victim or hazing or tormenting in the work place and is unacceptable.

THE ADVERTISER'S RESPONSE

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

Please note that the commercial in question is part of the "Naughty Naughty" campaign which has ceased broadcast. There are currently no plans to re-broadcast this campaign or this particular television commercial in the future. We also note that the complaint (and television commercial which is the subject of the complaint) is similar to a complaint previously lodged about another television commercial (Complaint Reference 343/09) which Weight Watchers responded to in a letter dated 23rd July 2009 and which we note was subsequently dismissed by the Advertising Standards Board.

We accept that there are some differences between the two television commercials, namely that in the commercial with Complaint Reference 343/09 the male office worker had his fingers humorously glued to his keyboard, whereas in the commercial relating to the current complaint, we see all the items on his desk attached to his chair which he then drags off the desk when he pulls the chair back to answer the telephone. Nevertheless, the sentiments expressed in both television commercials are virtually the same and our answer to the complaint contained in our letter of 23rd July 2009 in relation to Complaint Reference 343/09 equally apply to this television commercial. A copy of this letter is enclosed.

We ask the Advertising Standards Board to review our arguments in defence of the original

television commercial contained in that letter as we adopt them as our defence to the latest complaint, with the exception that the paragraph referring to the strong glue being used in the prank on the second page of our letter should be ignored as it is clearly irrelevant here. All other aspects of that letter are however totally relevant to our defence of this television commercial and we resubmit them to the Advertising Standards Board as our defence.

In the simplest terms, we again submit the overall humour of the scene is comical slapstick and nothing more than harmless fun. There is no malice displayed by those involved in the prank and the commercial is not directed at children. On this basis, the commercial is not in breach of the Code.

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 complainant's concerns that the advertisement demonstrates workplace bullying and trivialises the issue of bullying for people that are victims or have been tormented in the workplace.

The Board viewed the advertisement and considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states:

"Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and where appropriate, the relevant programme time zone".

The Board agreed that the man depicted in the advertisement appears to be the subject of a practical joke. The Board considered that the man in the advertisement did not appear to be upset by the situation. The Board noted that in this instance, the humour and light hearted nature of the prank displaced any sense of workplace bullying and that most members of the community would understand that the advertisement was intended to be funny and harmless and was not intended to promote or condone workplace bullying. The Board found that the advertisement was not in breach of section 2.1 of the Code.

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