



## **CASE REPORT**

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|-------------------------------|---|
| 1. Complaint reference number | 468/08  |
| 2. Advertiser                 | Statewide Steel   |
| 3. Product                    | Hardware/Machinery  |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Portrayal of sex/sexuality/nudity – section 2.3<br>Language – use of language – section 2.5<br>Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 26 November 2008   |
| 7. DETERMINATION              | Upheld – discontinued or modified   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This TV advertisement shows a young woman wearing a hard hat, short shorts and cropped singlet top using a blow torch and a mechanical cutting implement, carrying a large steel rod and driving a fork lift while a voice over states " Do you want a bloody good deal in steel? Then stop scratching your Dean Cox and get your Darren Glass into Statewide Steel for all your steel needs".

## **THE COMPLAINT**

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

*The voice over is crudely suggestive and unfit for the audience it is aimed for, "stop scratching your Dean Cox and get off your Darren Glass". You have sunk to a very low standard, footie supporters are of all ages, intellect and persuasions and do not always appreciate your method of drawing attention in advertising. Have some consideration for your viewers otherwise you will lose them.*

## **THE ADVERTISER'S RESPONSE**

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

*Our TV advertising have all been approved by the Australian Advertising standards Board and we have been issued CAD No's WNXL1ROA and WOOFAROA. This led us to believe we had met all the required standards.*

*As the Aussie Rhyming slang is such a common part of our culture and generally accepted by the public, we believed viewers would be amused. We did not set out to offend any viewer.*

*The young lady in the advert, we believe, is adequately attired and certainly doesn't have body parts "hanging" out. This same Advert has been running since early 2007 with different voice-overs.*

## **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 Sections 2.1 (discrimination and vilification), 2.3 (sex,

sexuality and nudity), 2.5 (language) and 2.6 (health and safety).

The Board considered whether the advertisement depicted material contrary to prevailing community standards on health and safety. The Board noted the woman depicted in the advertisement was inappropriately dressed for the activities undertaken, including using a blow-torch, carrying steel materials and operating heavy machinery. The Board considered the depiction was contrary to occupational health and safety standards. The Board therefore determined the advertisement was contrary to prevailing community standards of health and safety and in breach of Section 2.6.

The Board considered whether the language used in the advertisement was appropriate in the circumstances. The Board noted that no strong or offensive language was used and the word "bloody" had become a part of the Australian vernacular and would not be considered offensive by most members of the Australian community. The Board noted rhyming slang was used to refer to body parts, but the Board considered the slang used was not offensive. The Board therefore determined there was no breach of Section 2.5.

The Board considered whether the depiction of the woman in the advertisement was discriminatory or vilifying on the basis of gender. While the Board considered the depiction objectified the woman, it did not consider this was discriminatory to women generally.

The Board then considered whether the depiction breached Section 2.3, relating to sex, sexuality and nudity. The Board noted that, although briefly attired, the woman depicted was fully clothed and was not depicted in a sexualised manner. However, the Board considered that the slang references to a penis and bottom, when considered together with the images of the briefly attired woman, could be interpreted in a sexual context. The Board considered this was not dealt with sensitively and therefore determined the advertisement breached Section 2.3 of the Code.

The Board therefore upheld the complaints.

#### **ADVERTISER'S RESPONSE TO DETERMINATION**

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

*Please be advised GWN and Win television have been requested to discontinue using this advert.*