



## **CASE REPORT**

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| 1. Complaint reference number | 7/07   |
| 2. Advertiser                 | SBS Corporation (summer programming)   |
| 3. Product                    | Media  |
| 4. Type of advertisement      | Transport  |
| 5. Nature of complaint        | Discrimination or vilification Other – section 2.1<br>Discrimination or vilification Age - Section 2.1 |
| 6. Date of determination      | Tuesday, 13 February 2007  |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

There are three advertisements in this series: an old couple wearing brief swimwear on sun lounges, sipping blue cocktails and glaring at the camera; an obese man wearing only shorts, socks and boots, standing in a garden behind a lawnmower and a young very skinny male wearing baggy swimmers standing on a swimming pool diving board and looking back at the camera in trepidation. All advertisements are captioned "Thankfully, not everyone has less on over summer".

## **THE COMPLAINT**

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

*The meaning is discriminatory and derogatory. It gives the impression that elderly people, or those considered less attractive by the standards imposed by the "current standard" (the question remains as to who's standard) should preferably not "have less on this summer".*

*They denigrate older people. Makes out their bodies are repulsive because they're old. The ad with the skinny young bloke is also offensive because it mocks men who don't apparently measure up to some idealised body image.*

*I believe these ads are ageist. The implication is that older people's bodies should be seen less of. Older people should not be seen wearing bikinis or swimwear because their bodies are unattractive. They have the right to swim and surf as much as their younger counterparts without being sniggered at.*

*The obvious inference in these ads is that people who are either older and/or not well built and conventionally beautiful should not take their clothes off in public.*

*This is clearly a discriminatory portrayal of elder or overweight people and an example of rampant ageism and "weightism".*

## **THE ADVERTISER'S RESPONSE**

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

*The message that SBS intends to convey by the slogan is that, unlike other broadcasters, SBS maintains its commitment to the highest standards of broadcasting during the summer non-ratings period.*

*The images used in the advertisements do not, and are not intended to, discriminate against or*

*vilify people on the basis of their weight or age. The images are meant to work as humorous caricatures that exaggerate elements of lifestyles that could be considered to be in bad taste, with the emphasis on the characters' state of undress providing a visual pun on the slogan.*

*The advertisement do not imply that all middle-aged or older people should not wear swimming costumes or sunbake. It is rather the characters in the advertisements in particular, as caricatures, that enable the eye-catching visual pun to work. The characters are an exaggerated pastiche of styles meant to represent bad taste.*

*The image of the overweight man without a top mowing the lawn works in the same way. The exaggerated effect of the caricature provides the material for the visual pun. The advertisement does not vilify overweight people.*

*The third execution shows a very underweight man in bathers with the same slogan. This is not intended to discriminate against or vilify underweight people, but to humorously draw the public's attention to the "less on" pun.*

*It is SBS's view that the campaign should be viewed as a whole, parodying a wide range of lifestyles and characters and therefore cannot be seen to be discriminating or vilifying any one group.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

For the first advertisement, featuring the older couple sunbathing, the Board viewed the advertisement and considered whether it breached Section 2.1 dealing with discrimination and vilification on account of age.

The Board agreed that the advertisement was not so much making fun of the age of the couple, but rather of the swimsuits, the over-tanned skin, the cocktail glasses and the general accoutrements that were portrayed as generally tacky and unappealing.

The Board agreed that the advertisement did not breach Section 2.1 on the basis that it discriminated or vilified an age group.

For the second advertisement, featuring the boy in swimming trunks, the Board viewed the advertisement and considered whether it breached Section 2.1 dealing with discrimination and vilification.

The Board agreed that the advertisement was largely making fun of the unflattering image of a skinny boy in saggy, unattractive swimming trunks. The Board agreed that while the advertisement might have been considered 'mean' by the broader community, the advertisement was making fun of an individual's appearance rather than an entire section of the community.

The Board agreed that the advertisement did not breach Section 2.1 on the basis that it discriminated or vilified any particular population group.

For the third advertisement, featuring the overweight man with the lawnmower, the Board viewed the advertisement and considered whether it breached Section 2.1 dealing with discrimination and vilification.

The Board agreed that the advertisement was largely making fun of the unflattering image of the overweight man in unattractive shorts. The Board agreed that while the advertisement might have been considered 'mean' by the broader community, the advertisement was making fun of an individual's appearance rather than an entire section of the community.

The Board agreed that the advertisement did not breach Section 2.1 on the basis that it discriminated or vilified any particular population group.

The Board wished it noted that it considered the advertisements to be tasteless, and not in keeping with the spirit of SBS's charter, part of which is to promote diversity in Australia's community.

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