



CASE REPORT

1. Complaint reference number	7/08
2. Advertiser	Chris & Marie's Plant Farms (fairy)
3. Product	Housegoods/services
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Sexual preference – section 2.1
6. Date of determination	Wednesday, 16 January 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features the proprietors, with Chris (a male) wearing a ballet tutu and holding a fairy's star wand saying "There's nothing I like better than seeing a customer with a fine booty." As his wife (Marie) nudges him in protest, Chris points to a car boot filled with plants and explains "A nice booty full of cheap plants, that is." Chris and Marie list some of the special deals as Marie touches Chris on the buttocks, making him jump in surprise, then Chris bends over to wiggle his buttocks. Chris concludes "Now's the time to get it in your booty" as a female customer, filling her boot with plants, wiggles her buttocks at the camera.

THE COMPLAINT

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

I find (this ad) extremely offensive not just to me, but I'm sure to the gay community in general. Surely in this day and age one should not have to put up with such ads that are obviously socially incorrect.

THE ADVERTISER'S RESPONSE

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

In this ad what we are talking about is the fact that we have lots of cheap plants and it is cheap and easy to fill your booty, car booty that is. We are advocating that, for a small amount of money, people can fill up their car booty with a lot of plants. The person filling the car boot with plants is wearing shorts and they wiggle their behind, the fact that somebody wiggles their behind and that somebody wears a pink tutu has nothing to do with homosexuality. In Chris' opinion it may be degrading to look at any part of a woman's figure if that person didn't want you to look at them. A person who makes a public display is inviting people to look at them and in fact by not looking at them may invalidate that person.

Chris and Marie are a couple and in their advertising play the role of being a couple, the pinching of a bottom is a fairly normal activity for a couple.

At the present time this particular commercial is not on air.

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 that the references in the advertisement to the character Chris being a 'fairy'

was meant as a double entendre - with the clear primary meaning that he is dressed in a fairy costume. The Board considered that the advertisement was obviously intended to be humorous and was not likely to be considered offensive to or derogatory of homosexuals or homosexuality. The Board determined that the advertisement did not breach Section 2.1 of the Code.

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