



CASE REPORT

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| 1. Complaint reference number | 8/08 |
| 2. Advertiser | Chris & Marie's Plant Farms (gay) |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Sexual preference – section 2.1
Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 16 January 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features the proprietors. Marie approaches a very despondent-looking Chris (a male), seated apparently nude, amongst the plants at the nursery, and asks "Chris, where's your tutu?" Chris replies sadly "I'm not feeling very gay today. Sales are down and I'll have to close my Shepparton store forever. Chris stands up and with plants strategically covering his body, advises viewers "I'm clearing the lot now, and you'll feel gay with these prices." Customers are urged to come and see the specials, or as Marie adds "to see Chris without his tutu."

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:

Chris Lucas, the director of Chris & Maries Plant Farms is a little bit overweight and it is our company's opinion that there is nothing wrong with allowing people who are little bit 'fat' on tv. In terms of nudity Chris is wearing good sized underpants and shows his head, arms, chest, stomach and legs, no different to what you would see if you went to the beach, nudity is inferred rather than seen.

What Chris says is he's not feeling very gay today but you'll feel gay with these prices. It is a play on the word gay that people could take however they want. Gay in modern slang can mean homosexual but it can also mean a person who is having a happy enjoyable time. In no way are we advocating that people be homosexual or that there is anything wrong with being homosexual.

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 feeling 'gay' was meant as a double entendre - with the clear primary meaning that he is not feeling very happy. 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.

The Board noted that the character Chris is intended to be seen as naked in the advertisement. The Board noted that there is suggested nudity but that there is no actual nudity and that the only images are those of the man's torso, legs and arms - there is no sexually suggestive behaviour, actual nudity or views of genitals. The Board determined that the advertisement did not breach Section 2.3 of the Code.

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