

Case Report

1. Case Number :	0146-23
2. Advertiser :	Arrotex Pharmaceuticals
3. Product :	Health Products
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	26-Jul-2023
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features several scenes of various people that are unwell, including a scene depicting a man coming into a kitchen wrapped in a blanket with a tissue in his nose. His wife and daughter look at him and stop smiling. His wife says "There's a Chemists Own for that" while gesturing towards him.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

I found this ad to be sexist and denigrating of the male character and reprehensible in the way the male was portrayed as pathetic and incompetent. The implication was that men are kind of pathetic and disgusting when they are sick and beneath the care of the key females in their family. This kind of sexism feeds an animosity between genders and perhaps is even a product of that animosity. I am so offended by this ad that I intend contact Chemists Own and my local federal member (Anthony Albanese).

The use of this negative gender stereotype in relation to adult males suffering from cold/flu may amount to material that discriminates against and/or vilifies people based on gender. This is not in alignment with Ad Standards Section 2.1. There is no way an ad depicting the gender roles reversed would be tolerated by contemporary society, nor should it and in the interests of achieving gender equality in our society ads of this type should be ceased.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Arrotex notes there have been two separate complaints lodged in response to the Chemists' Own advertisement, both specifically referring to the Cold and Flu Clip version of the Advertisement. The gist of both complaints is that they are discriminatory on the basis of gender, and that they vilify the male character in the scenario depicted, in a way that is "sexist and denigrating" and perpetuate a "negative gender stereotype in relation to adult males" ("Complaints").

Arrotex is aware of, and understands, section 2.1 of the Australian Association of National Advertisers Code of Ethics ("Code") prohibits advertising portraying or depicting people in a manner which discriminates against or vilifies a person or section of the community on account of gender. Arrotex further notes that the Practice Note to the Code provides definitions for:

- "gender", as referring to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls and boys, women or men, and that this is distinct from "sex" which refers to biological differences;*
- "discrimination", being unfair or less favourable treatment based on certain attributes including gender; and*
- "vilification", being humiliation, intimidation, inciting hatred, contempt or ridicule on the basis of certain attributes including gender.*

We submit that the Cold and Flu Clip does not breach section 2.1 of the Code on the following grounds:

1. The focus of the Cold and Flu Clip is not on gender. The Cold and Flu Clip is intended to depict an example of a situation which would necessitate the purchase of a Chemists' Own product. The scenario has been comically exaggerated to demonstrate in the extreme the symptoms of the illness. In particular, the man depicted in the Cold and Flu Clip is depicted as having a cold so dreadful that he walks around coughing and wrapped up in a huge blanket with tissues stuffed in his nose. The decision to use such exaggeration was consciously made so the focus in the Cold and Flu Clip (and indeed each scenario in the Advertisement) is on the symptoms, not on any of the individuals' characteristics, including gender.

2. *The Cold and Flu Clip does not suggest different treatment based on gender. Considering the Advertisement as a whole, we see a variety of individuals of diverse ages, races and genders, suffering ailments who are then advised by others (also of varying genders) that “There’s a Chemists’ Own for that”. In the Cold and Flu Clip, the father receives the same advice as the woman on the bus (delivered by a woman), the old man on the soccer pitch (delivered by a male voice) and the young man in the restaurant (delivered by a woman). There is no differential treatment applied to the father figure in the Cold and Flu Clip.*

3. *The Cold and Flu Clip does not discriminate or vilify any person on the basis of gender. Arrotex maintains that there is nothing in the behaviour or actions of the woman and daughter in the Cold and Flu Clip that constitutes discrimination or vilification on the basis of gender. The woman’s hand gesture in the Cold and Flu Clip is clearly in proportion to her husband’s exaggerated suffering, as is the daughter’s eye roll and laugh. Further, the woman does not mock or draw attention to the man’s overt attempt to evoke sympathy, nor does she treat him with contempt or attempts to humiliate him. On the contrary, the woman offers pragmatic advice on a solution to the man’s suffering.*

4. *The use of stereotypes in the Cold and Flu Clip is not discriminatory. In the Cold and Flu Clip, the man depicted could be viewed as the stereotypical man suffering from “man-flu”. This stereotype usually involves the idea of a man overexaggerating his suffering in order to draw sympathy from others. Such a stereotype is usually considered harmful because it encourages a dismissive response from others based on the fact that the person suffering is a man (and therefore should be able to handle the suffering), notwithstanding that the man may actually be suffering more severely because he is a man. In fact, there is support (although not definitive) for the proposition that men will experience more severe symptoms than women for some ailments (see *Is “man flu” really a thing? – Harvard Health at <https://www.health.harvard.edu/blog/man-flu-really-thing-2018010413033>*). In the Practice Note to the Code, it is noted that a negative depiction of a group of people in society may still be found to have breached section 2.1 of the Code, and care must be taken to avoid perpetuating any harmful stereotypes. Arrotex does not consider the Cold and Flu Clip to be perpetuating this harmful stereotype. Rather, while the Cold and Flu Clip relies on the stereotype for comedic effect, the overall effect is that the stereotype is challenged by the woman’s response in offering the man a solution to his suffering. In this way, the Cold and Flu Clip uses the gendered stereotype of a man suffering “man-flu” and subverts the typical reaction (represented by the daughter’s dismissive eye roll) and instead shows the woman acting in sympathy and in contrast to the stereotypical reaction.*

We will also address the other sections of the Code for completeness:

2.2: Sexual Appeal – The Advertisement does not contravene this section as it does not employ sexual appeal.

2.3: Violence – The Advertisement does not contravene this section as it does not present nor portray violence.

2.4: Sex, Sexuality or Nudity – The Advertisement does not contravene this section as it does not include, suggest or make reference to nudity, sexuality or sex.

2.5: Appropriate Language – The Advertisement does not contravene this section as it does not include strong, obscene or inappropriate language.

2.6: Health and Safety– The Advertisement does not contravene this section as it does not depict nor allude to material contrary to prevailing community standards on health or safety.

2.7: Advertising – This Advertisement does not contravene this section as it is clearly distinguishable as an advertisement.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is sexist and denigrating towards the male character.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.1: Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted that the man's gender was not explicitly referred to in the advertisement. Instead, the Panel considered the woman in the advertisement directs him to seek help for his illness, indicating a connection between her reaction and his state of being unwell, rather than any reference to his gender.

The Panel considered that the man was shown to be feeling unwell and miserable because of his cold or flu symptoms, but there was no implication that he was pathetic or incompetent. The Panel considered that the advertisement showed the woman encouraging him to take proactive steps to seek assistance for his illness, but suggesting that he go to Chemist's Own for help with all his symptoms. The Panel considered that the woman's reaction and her response did not indicate that she was superior to the man or that he was beneath caring about.

The Panel acknowledged the existence of a commonly referred to trope about men experiencing 'man-flu', which implies that they exaggerate the severity of symptoms for relatively minor illnesses. The Panel considered that although the advertisement may have been subtly suggestive of this, it was not explicit and the advertisement did not show the man receive unfair or less favourable treatment because of his gender, nor did it humiliate, intimidate or incite hatred, contempt or ridicule of the man because of his gender.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.