

Case Report

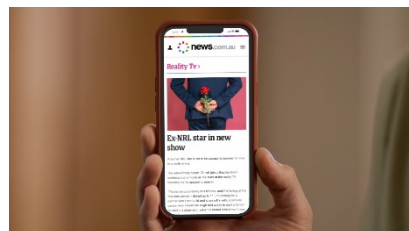
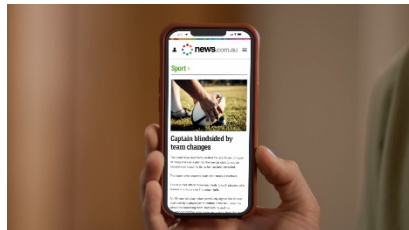
1. Case Number :	0253-23
2. Advertiser :	Newscorp Australia
3. Product :	Media
4. Type of Advertisement/Media :	TV - Pay
5. Date of Decision:	8-Nov-2023
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This Pay TV advertisement features a man and a woman in a kitchen. The man is looking at his phone and asks, "Have you seen the news?". He shows her a news article with the heading, "Captain blindsided by team changes" and she seems uninterested. He swipes to another article with the heading, "Ex-NRL star in new show" and the woman is more interested. A voice-over says, "For sports news that matters to you, be on it at news.com.au"



THE COMPLAINT

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

Their 'For Sports News That Matters To You' ad reinforces harmful, old fashioned, and lazy stereotypes about women. It is sexist.

THE ADVERTISER'S RESPONSE

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

It is not clear which Advertising Code the complainant is suggesting that our advertisement may have breached. In our view, the only possibly relevant issue is under section 2.1 of the AANA Code of Ethics which says that an advertisement should "not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of ... gender."

It is our position that this provision is not breached by the advertisement in question as the advertisement does not portray Rose in a way that discriminates against Rose (ie it does not display Rose being subjected to "unfair or less favourable treatment") and the ad does not vilify Rose (ie humiliate, intimidate, or incite hatred, contempt or ridicule of Rose) on account of Rose's gender. Neither does the advertisement discriminate against or vilify the other character.

The overview and script provided for this advertisement does not in any way reflect unfair or less favourable treatment of either of the characters present. There are no actions or words that could be construed as discriminatory, in particular, the moment that the complainant takes issue with is the closing scene and therefore has no ramifications, negative or otherwise, for the characters.

We note that the complainant mentions that the advertisement is "stereotypical" and "sexist" and in response we reference the Ad Standards finding that using female stereotypes in a way that is not negative is not itself discriminatory towards women (ALDI Australia (0206/20), Austrak Campers (0107-21), AHM Health Insurance (0120/21)) and depicting people with personality traits traditionally stereotyped to their gender is not of itself a breach (Ferrero Australia – 0319/20, Hasbro Australia – 0194-21, PharmaCare – 0110/20). Regardless, to show Rose being interested in one type of content on our website but not another, without adverse consequence, is simply neither discriminatory nor does it vilify Rose.

Please note that, without any admission of any kind, we have removed the advertisement in question from air as of 26 October 2023.

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 complainant's concern that the advertisement uses gender stereotypes.

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

The Panel noted that the Practice Note also includes:

“Harmful gender stereotypes are unacceptable because they perpetuate unconscious bias and rigid norms of femininity and masculinity that shape what it means to be a girl, woman, boy or man.

Advertisements should take care to avoid suggesting that skills, interests, roles or characteristics are:

- *always uniquely associated with one gender (eg. family members creating a mess while a woman has sole responsibility for cleaning it up);*
- *the only options available to one gender; or*
- *never carried out or displayed by another gender,*

as this may amount to discrimination on the basis of gender.”

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

The Panel considered that the advertiser’s response that the advertisement depicts a man showing his (presumed) partner a news article about a sporting event, and then showing her a different article when he realised she is not overly interested in the first article.

The Panel noted that the suggestion that women are not interested in sport is a stereotype, however the Panel considered that while this stereotype is outdated, it is not itself inherently negative. The Panel considered that the advertisement depicts a couple who are interested in different things, and the woman is not treated unfairly or less favourably due to her lack of interest, nor does she experience any adverse consequences. Rather, the man makes an effort to find a sports related article that she may be interested in.

The Panel considered that while some members of the community may consider that a suggestion that women are less interested than men to be a stereotype, it is not

necessarily negative and is not presented as negative in the advertisement. The Panel considered that the woman in the advertisement is not treated unfairly or less favourably nor does the advertisement humiliate, intimidate or incite hatred, contempt or ridicule of the woman because of her 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 complaint.