

Case Report

1. Case Number :	0277-23
2. Advertiser :	Midland Brick
3. Product :	Hardware/Machinery
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Decision:	6-Dec-2023
6. Decision:	Dismissed
7. IR Recommendation:	Reconfirm the Original Decision

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This TV on demand advertisement shows a screen split down the middle with an existing double clay brick heritage home on the right and what is clearly a new home being built on the left. Splitting the screen is a line of a double clay brick wall and we hear the interchange between a grand-daughter and her grand-father.

Granddaughter: My pop reckons there's only one way to build a home.

Grandpa: Double clay brick gives you great sound insulation.

Granddaughter: Excellent thermal insulation means smaller power bills.

Grandpa: Low maintenance... and still looks great after all these years.

Granddaughter: Like pop says...

Grandpa: When you build. Build forever.

Together: Double clay brick...There's no other side to the debate.



THE COMPLAINT

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

Midland Brick is running two TV ads, each featuring a pair of characters describing the benefits of double brick construction. The three male characters are shown giving their

own opinions. The only female character's first words are "pop reckons", and she repeats this again before her conclusion. She is explaining the opinions of the male character, instead of her own expertise. She is the only character shown this way. This is sexist.

THE ADVERTISER'S ORIGINAL RESPONSE

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

The complaint has been raised under the AANA Code of Ethics\2.1 Discrimination or Vilification\Gender.

We do not believe this ad is in contravention of the codes.

This is one ad in a series of two ads in the campaign. The first being an interchange between a male builder and a male architect.

The second ad (and the one that has attracted the complaint) is a split screen conversation between a grand-daughter and grandfather regarding their own views on home construction. We will focus our response on the second ad as this is the one that has been identified in the complaint.

In this scenario, it is clear from the interchange between these two family members that they have probably had many family discussions about the home the young family are building. Granddad has his own views and clearly the grand-daughter also done her own research.

The fact that she says 'Excellent thermal insulation means smaller power bills' clearly indicates that she has done her own research and arrived at her own conclusions about her home. But the gentle interplay with her granddad indicates they both concur on other properties and benefits of double clay brick construction.

We believe the basis of the complaint is the female character only 'agrees' with the male view. This is simply not the case. Clearly, she has made her own decisions and done her own research and is the primary decision maker in the process. The fact that she is depicted in safety wear on site also demonstrates she is taking a leading role in the family home build and not simply 'listening' to others.

Ultimately, all the characters (in both ads in the campaign) agree that there is 'no other side to the debate'.

The Complaint notice also suggested we specifically address other relevant codes, in particular, Section 2 of the AANA Code of Ethics. We have addressed each below:

2.2 - Exploitative or degrading

The commercial does not employ sexual appeal in any manner.

2.3 – Violence

There is no depiction of violence in the commercial.

2.4 - Sex, sexuality and nudity

There is no depiction of sex, sexuality or nudity in the commercial.

2.5 – Language

No language is used that could be considered as obscene or offensive.

2.6 - Health and Safety

The commercial does not depict any unsafe behaviour. Nor does it encourage any unsafe behaviour. In fact, the female actress is wearing appropriate safety gear for a construction site.

2.7 - Distinguishable as advertising

It is clearly and easily identifiable as an ad for clay bricks from Midland Brick, the number one brick brand in the State of WA.

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 is sexist as it shows the woman explaining the opinions of the male character instead of her own.

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 woman appears to be experienced in the product, either because she works in the building industry or is building her own home (evident by the high visibility vest and construction site, and her confidence and authoritative tone).

The Panel noted that the woman does not continue the thought of the man or repeat his opinion, rather she adds more information about thermal insulation. The Panel considered that she gives the impression of someone who has researched and is informed about the materials and technique being described.

The Panel considered that the impression of the advertisement is that the technique has been used for generations and is a superior option.

The Panel considered that the split screen indicates that the pair are not together, and are providing their statements independently. The Panel considered that agreeing with her grandfather is not itself a suggestion that the woman has no opinion of her own or is uninformed.

The Panel considered that the advertisement did not depict material in a manner that was discriminatory or vilifying on the basis of 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.

INDEPENDENT REVIEW

Request for review

I complained about a pair of ads, and the panel only considered the transcript of one of the ads. Please find a more complete transcript.

The panel has not investigated my actual complaint.
My complaint was that the treatment of the female character in this pair of ads was sexist COMPARED TO the treatment of the three male characters. The panel's report does not discuss this at all.

For reference, here are all of the words spoken individually by each character. It is the difference between the woman's script and ALL of the men's scripts which is sexist.

Female character

"My pop reckons there's only one way to build a home."

"Excellent thermal insulation means smaller power bills."

"Like pop says..."

Male character 1

"Double clay brick gives you great sound insulation."

"Low maintenance... and still looks great after all these years."

"When you build. Build forever."

Male character 2

"It's the thermal insulation benefits that make it a no brainer."

"Natural. Without chemicals."

"Strong. And low maintenance."

Male character 3

"It's the organic beauty of a material from the Earth itself."

"Excellent acoustic insulation."

"Double clay brick."

Independent Reviewer's Recommendation

The Independent Reviewer found that there was no substantial flaw in the decision of the Panel, nor were its findings clearly made against the weight of the evidence. The complaint was of discrimination against the woman and vilification of her and it was reasonable for the Panel to consider Version 1 only. Although a gender imbalance may be subtly indicated by the two advertisements, the numerical imbalance is insufficient on its own to indicate unfairness or less favourable treatment.