

## Case Report

1. Case Number :	0149-24
2. Advertiser :	Rexel Electrical Supplies Pty Limited
3. Product :	Hardware/Machinery
4. Type of Advertisement/Media :	Radio
5. Date of Decision:	5-Jun-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a phone conversation between a man and woman:

Woman: Hello!

Man: Hey babe!

Woman: What's up?

Man: Not much. Just seeing if you could bring me a sandwich.

Woman: A sandwich? Out to site?

Man: Yeah.

Woman: I'm not bringing you a sandwich!

Man: Rexel would.

Woman: Rexel?

Man: Yeah. Rexel promise same day delivery for Melbourne metro.

Woman: Yeah?

Man: Yeah!

Woman: Yeah, well – I'm not Rexel!

[SHE HANGS UP]

Man: (SIGHS TO SELF) You sure aren't...

Voice-over: Order before 9AM with Rexel electrical supplies for same day delivery!

Check out the terms and conditions, and order now at [Rexel.com.au](https://www.Rexel.com.au)

### THE COMPLAINT

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

*Sexism / use of sexist tropes.*

*I was not really offended or upset but given the current climate I figure it sends a bad message and we can do better.*

## **THE ADVERTISER'S RESPONSE**

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

1. *Rexel Electrical Supplies Pty Limited ("Rexel") has been notified of a complaint received by Ad Standards on 10 May 2024, in relation to a radio advertisement broadcast on 9 May 2024.*

*The Advertisement*

2. *A copy of the script of the advertisement is enclosed with this response.*

3. *The advertisement is a conversation between a man and the woman, his girlfriend.*

4. *The man is working on a job site, and makes a telephone call to the woman, asking her to bring him a sandwich. The woman refuses, to which the man responds that Rexel offers same day delivery to the Melbourne metro area. The woman replies that she is not Rexel and ends the call. The man sighs and the advertisement closes with a voice directing customers to Rexel's website to place orders or view the terms and conditions.*

5. *The advertisement ran to coincide with the launch of Rexel's same day delivery offering in Melbourne, and has not been aired since about 15 May 2024.*

*The Complaint*

6. *The Complaint made summarises the advertisement as "a tradesman complaining that his wife won't bring him a sandwich, yet Rexel will bring him the supplies he needs. Wife bad, Rexel Good."*

7. *The Complaint notes the reason for concern is "Sexism/use of sexist tropes"*

8. *The complainant then states:*

*"I was not really offended or upset but given the current climate I figure it sends a bad message and we can do better."*

9. *The Complaint is the only such complaint Rexel has received notice about from Ad Standards. In the circumstances, Rexel proceeds on the basis that no other complaint has been received. If this is not correct, Rexel intends to prepare further responses submissions in the event it is later given notice of additional complaints.*

*The Code*

10. *The Complaint has been made under section 2 of the Australian Association of National Advertisers Code of Ethics ("Code").*

11. *Section 2 of the Code sets out the rules regarding the portrayal of people, violence, sexuality and nudity, appropriate language, health safety and distinguishability. Section 2 applies where the marketer has a reasonable degree of control over the material and where the material is targeted at consumers in the public in a way that is calculated to promote a service or product.*

12. *Rexel accepts for the purposes of responding to this complaint that the advertisement was targeted at the public in order to promote its same day delivery service. The advertisement aired at times where it was likely to be heard by commuters travelling to or returning from work.*

*Section 2.1*

13. *Section 2.1 prohibits the discrimination or vilification of any individual or group of people on the basis of certain defined attributes. Discrimination is defined as “unfair or less favourable treatment, and vilification is defined as “humiliates, intimidates, incites hatred, contempt or ridicule”. Rexel responds in respect of each defined attribute as follows:*

a. *Race: the advertisement makes no reference to either characters’ colour, ethnicity, descent, ancestry, ethnicity, or nationality. The advertisement contains no material which would discriminate or vilify any person or class of people based on attributes related to race. Rexel submits this limb of section 2.1 is not made out.*

b. *Ethnicity: the advertisement makes no reference to either characters’ ethnicity. The advertisement contains no material which would discriminate or vilify any person or class of people based on attributes related to ethnicity. Rexel submits this limb of section 2.1 is not made out.*

c. *Nationality: the advertisement makes no reference to either characters’ nationality. The advertisement contains no material which would discriminate or vilify any person or class of people based on attributes related to nationality. Rexel submits this limb of section 2.1 is not made out.*

d. *Gender: The characters in the advertisement are male and female respectively. The male asks the female if she would bring him a sandwich to his work site, which the female refuses. The advertisement, in our respectful submission, is not unfair or less favourable on the female character by reason of her gender. While the advertisement may be seen to reference a gender trope which is not in line with community standards, rather than acquiescing to the request, the female character exercises agency in her relationship and rejects the request. She also makes the joke that the obligations of a delivery service (Rexel) and a partner are different. The advertisement does not discriminate or vilify women because of this agency, rather it uses humour in subverting the trope. Rexel respectfully submits that this limb of section 2.1 is not made out, and further says on this matter that the complainant, on the words of the Complaint, was not offended by the advertisement .*

e. *Age: the advertisement makes no reference to either characters’ age. The advertisement contains no material which would discriminate or vilify any person or class of people based on attributes related to age. Rexel submits this limb of section 2.1 is not made out.*

f. *Sexual Orientation: While the advertisement is silent on the sexual orientation of each character, it is implied that the characters are involved in a heterosexual relationship. Notwithstanding, Rexel submits that there is no material in the advertisement which vilifies or discriminates against any person or group based on their sexual orientation. Rexel submits that this limb of section 2.1 is not made out.*

*g. Religion: the advertisement makes no reference to either characters' religion. The advertisement contains no material which would discriminate or vilify any person or class of people based on attributes related to religion. Rexel submits this limb of section 2.1 is not made out.*

*h. Disability: the advertisement makes no reference to whether either character has a disability. The advertisement contains no material which would discriminate or vilify any person or class of people based on attributes related to disability. Rexel submits this limb of section 2.1 is not made out.*

*i. Political Belief: the advertisement makes no reference to either characters' political beliefs. The advertisement contains no material which would discriminate or vilify any person or class of people based on their political belief. Rexel submits this limb of section 2.1 is not made out.*

*j. Gender Stereotypes: Rexel refers to its submissions at paragraph 13.d above and further says that to the extent the advertisement references a harmful gender stereotype (which is not clear on the face of the complaint but which Rexel has understood to be "women should be subservient to men") the advertisement expressly rejects the stereotype as the female character has agency and at no stage in the advertisement is expected to deliver the sandwich requested. The humour of the advertisement is derived from the ridiculousness of the request and the unlikeness of anyone agreeing to such a request.*

#### *Section 2.2*

*14. Section 2.2 prohibits the use of sexual appeal in advertising which is exploitative of or degrading to any individual or group of people.*

*15. Exploitive' and 'degrading' are defined as:*

*a. taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities, or focusing on their body parts where this bears no direct relevance to the product or service being advertised; and*

*b. lowering in character or quality a person or group of persons; respectively.*

*16. Rexel's submission is that the advertisement is not sexual or degrading in nature as defined or at all, and section 2.2 of the Code is not engaged.*

#### *Section 2.3*

*17. Section 2.3 has the effect that depiction of violence in advertising is prohibited where it is not justifiable in the context of the product or service advertised.*

*18. Rexel's submission is that the advertisement does not contain any violence and as such does not engage section 2.3 of the Code.*

#### *Section 2.4*

*19. Section 2.4 of the Code has the effect that harmful use of sex, sexuality or nudity in advertising is prohibited, and requires that any such content be appropriate for the relevant audience.*

*20. Rexel's submission is that the advertisement does not contain any sexual content prohibited by this section or at all and as such does not engage section 2.4 of the Code.*

#### *Section 2.5*

21. Section 2.5 “prohibits the use of strong or obscene language and requires that the language used in advertising must be appropriate for the circumstances”.

22. Rexel submits that the advertisement does not contain any inappropriate language and section 2.5 of the Code is not engaged.

#### Section 2.6

23. Section 2.6 of the Code has the effect that advertising does not depict content condoning unhealthy or unsafe behaviour having regard to the Prevailing Community Standards.

24. Rexel’s submission is that the Advertisement does not contain any content that would encourage or condone unsafe or unhealthy behaviour, including any portrayal of body image. Section 2.6 of the Code is not engaged.

#### Section 2.7

25. Advertising must be clearly distinguishable as an advertisement.

26. Rexel submits that the advertisement was identifiable as such, particularly given it was aired during designated advertisement breaks on radio and the information was delivered by a voiceover in a form recognisable as an advertisement.

27. Rexel’s submission is that section 2.7 is not engaged.

#### Additional Codes

28. Rexel submits that no additional codes apply to the goods and service being advertised, and as such the additional codes are not enlivened.

#### Summary

29. The only section of the Code which may apply to the advertisement are is section 2.1, namely discrimination based on gender or gender stereotypes.

30. Rexel’s submissions on section 2.1 are that, where the Community Panel finds that the content of the advertisement may contain material whose subject matter, when considered on the merits:

a. The advertisement does not paint women, or any other group of people, in a negative light. Rather, the female character in the advertisement is presented as capable of rejecting obviously ridiculous requests; and

b. To the extent the advertisement claims “Wife bad, Rexel good”, or that the advertisement reinforces negative gender stereotypes about women (which is denied), the humour in the advertisement is not that the female character refuses the request to deliver a sandwich, rather that the request itself is made.

31. Additionally, the Complaint itself identifies that the complainant was not offended by the advertisement, but rather sends a ‘bad message’ in the ‘current climate’. Rexel’s submissions at paragraph 30 are repeated. To Rexel’s knowledge, this is the sole complaint received by Ad Standards.

32. The advertisement is no longer being broadcast, and has not since approximately the time of the complaint.

33. Notwithstanding the above, Rexel thanks the complainant for bringing the complaint. Rexel has considered the feedback in conjunction with the advertising agent and will consider the feedback in preparing future advertising campaigns.

## 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 sexist tropes.

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

**Section 2.1: Advertising shall not portray 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 Practice Note to Section 2.1 provides the following definitions:

- *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 the Practice Note to Section 2.1 states:

*“A negative depiction of a group of people in society may be found to breach Section 2.1, even if humour is used. The depiction will be regarded as a breach if a negative impression is created by the imagery and language used in the advertisement of a person or group of people on the basis of a defined attribute listed above. Advertisements can humorously or satirically suggest stereotypical aspects of a group of people in society provided the overall impression of the advertisement does not convey a negative impression of people of that group on the basis of one or more of the attributes listed above.*

*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.”*

The Panel acknowledged that there are outdated gender stereotypes such as that preparing and serving food is a woman's job. However, the Panel considered that while the advertisement may be making a reference to an outdated stereotype, the woman in the advertisement is heard to refuse the man's request.

The Panel considered that the woman in the advertisement is portrayed as having agency and was not depicted as receiving unfair or less favourable treatment.

The Panel also considered that the advertisement did not humiliate, intimidate, incite hatred, contempt or ridicule the woman.

The Panel concluded that the advertisement did not portray material in a way which discriminates against or vilifies women on account of gender.

**Section 2.1 conclusion**

The Panel found 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.