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| COMPLAINT NUMBER | 17/108 |
| COMPLAINANT | B Kemp |
| ADVERTISER | Ben Holden Fencing |
| ADVERTISEMENT | Ben Holden Fencing, Radio |
| DATE OF MEETING | 23 May 2017 |
| OUTCOME | Not Upheld |

SUMMARY

The radio advertisement for Ben Holden Fencing suggested, in a light-hearted parody, that by “fencing in the wife” the company can help save marriages.

The Complainant said the advertisement was offensive to women and that the male narrator was putting down women.

The Complaints Board ruled that despite employing out-dated stereotypes about men needing to control their spouses, the well-worn cliché did not reach the threshold to cause serious or widespread offence.

The Board noted that Basic Principle 6 of the Code for People in Advertising allowed for a level of humour and satire within advertising and although in the Complaints Board’s view, the message in this advertisement was misplaced, its satirical content would be recognised by the intended audience for what it was. Therefore the advertisement did not breach Basic Principle 4 of the Code of Ethics or Basic Principles 3 and 6 of the Code for People in Advertising.

Accordingly the Complaints Board ruled the complaint was Not Upheld.

[No further action required]

Please note this headnote does not form part of the Decision.

COMPLAINTS BOARD DECISION

The Chair directed the Complaints Board to consider the advertisement with reference to Basic Principle 4 of the Code of Ethics and Basic Principles 3 and 6 of the Code for People in Advertising. This required the Complaints Board to consider whether the advertisement portrayed people or used stereotypes in a manner which, taking into account generally prevailing community standards, was reasonably likely to cause serious or widespread offence, or offence on the grounds of their gender; race colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status. The Complaints Board noted Basic Principle 6 of the Code for People in Advertising allowed for humour and satire as natural

and accepted features of the relationship between individuals and groups within the community.

The Complaints Board ruled the complaint was Not Upheld

The Complaint

The Complainant said that the advertisement was degrading to women and likely to cause offence.

The Advertiser's Response

NZME responded on behalf of the Advertiser disputing that the advertisement breached the relevant codes in question.

It confirmed that the airing of the advertisement on Newstalk ZB would mean the target audience would include the farming community, who would understand the humorous intent of the advertisement. It said that the satirical use of 'fencing in' can arguably challenge the outdated culture of woman being viewed as property.

The Complaints Board Discussion

The Complaints Board noted the response from the Media, on behalf of the Advertiser, regarding the intended audience. It agreed that the adult audience, listening to ZB radio, may not agree with the message being portrayed, but would likely tolerate the intended humour.

While the Board did not find the advertisement funny, it was in agreement that the misplaced attempt at satirising sexism was not serious enough to trigger the threshold of the relevant codes.

The Board noted that there had been previous decisions on advertisements which had relied on outdated stereotypes of woman being reliant on or controlled by men and in general these are not upheld due to the tongue-in-cheek humour associated with them.

The Board agreed that the advertisement would not be likely to cause serious or widespread offence, contempt or ridicule to women.

The Board noted that Basic Principle 6 of the Code for People in Advertising allowed for a level of humour and satire within advertising and although in the Complaints Board's view, the message in this advertisement was misplaced, its satirical content would be recognised by the intended audience for what it was. Therefore the advertisement did not breach Basic Principle 4 of the Code of Ethics or Basic Principles 3 and 6 of the Code for People in Advertising.

DESCRIPTION OF ADVERTISEMENT

A radio advertisement for Ben Holden Fencing, featuring Ben Holden reading the following script "Your wife jumping the fence boys? Fence her in today – Phone me, Ben Holden, fencing service with integrity. Ben Holden – Keeping marriages together since 1969! I've got you covered lads."

COMPLAINT FROM B KEMP

Offensive to women advertisement describes fencing in women /partner/ wife. This is not appropriate slavery! Male speaker in advertisement puts down women.

CODE OF ETHICS:

Basic Principle 4: All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

CODE FOR PEOPLE IN ADVERTISING:

Basic Principle 3: Advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

Basic Principle 6: Humour and satire are natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups of people is acceptable, provided that, taking into account generally prevailing community standards, the portrayal is not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

RESPONSE FROM MEDIA NZME, AND ADVERTISER BEN HOLDEN:

We are writing on behalf of ourselves, and the advertiser, Ben Holden, in response to the above complaint.

The advertisement was scripted and voiced by the advertiser, and NZME accepted it for play, as we do not believe that it breaches the Codes. We note that the relevant Codes in this complaint are:

Basic Principle 4 - All advertisements should be prepared with a due sense of social responsibility to consumers and to society.

Basic Principle 3 - Advertisements should not portray people in a manner which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence on the grounds of their gender; race; colour; ethnic or national origin; age; cultural, religious, political or ethical belief; sexual orientation; marital status; family status; education; disability; occupational or employment status.

Basic Principle 6 - Humour and satire are natural and accepted features of the relationship between individuals and groups within the community. Humorous and satirical treatment of people and groups of people is acceptable, provided that, taking into account generally prevailing community standards, the portrayal is not likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

The radio station on which this ad aired is Newstalk ZB. The Radio Bureau, an independent media marketing site, defines ZB's audience as being 35 years and above, business owners and decision makers, with an even split between male and female. In Gisborne, it is likely to include a significant catchment of farm owners and managers.

We would first like to establish that the intention of the ad, in particular the wording, "*your wife jumping the fence, boys? Fence her in today,*" and later, "*keeping marriages together since 1969*" is clearly satirical and tongue-in-cheek, and is not intended to be taken literally. We also are comfortable that the majority of the Newstalk ZB audience will understand this humorous intent.

The purpose of farm fencing is to control stock movement. The advertisement plays on this meaning, instead using a provocative and satirical application for fencing.

The complaint suggested that the advertisement alludes to “slavery”, and that the advertiser “puts down women” in its copy. We do not believe that is the case: the advertisement is indisputably provocative, but its humour is based upon the fact that humans cannot be owned as property and an understanding that relationships are based on a mutual wish to be together. This is underlined by the statement “keeping marriages together since 1969”. Clearly, a fence would not serve this purpose, and therefore the intent is lighthearted and humorous.

While we understand that the ad may appear distasteful in the context that, in some societies, women are imprisoned by marriage (including physically and/or psychologically,) we believe that humour, particularly satire, can often contain a certain bittersweet sting of truth without being irresponsible or offensive. It could also be argued that the ad reinforces a male “locker-room” culture in which women are viewed as property, or objectified. However, it is our belief that the intended target of the ad’s satire is in fact such outdated attitudes.

The context of the audience is important. Ben Holden’s advertising is reasonably well known on Newstalk ZB: previously, he has alluded to fences keeping salespeople and irksome neighbours at bay, again with a level of satire and cheekiness. Ben could reasonably expect lighthearted censure from many of his friends and customers for the ad, but in such engagement he reinforces his goodnatured banter.

It should be noted that women are a significant part of the advertiser’s client base and target audience. The advertisement is speaking to them, as much as it is to a male audience, and he makes the joke in full knowledge that he will get as good as he gives.

The crucial questions are, then,

1. Is this humorous and satirical treatment of the relationship between women and men likely, through its treatment of women (or men) to cause serious or widespread offence, hostility, contempt, abuse, or ridicule – taking into account generally prevailing community standards?

We believe not. We believe the target audience is savvy and that such ribbing/teasing is very much part of the way this community expresses its humour. Even in view of its arguable insensitivity, we do not believe it is likely to cause serious or widespread offence, nor that anybody is likely to be subject to contempt, abuse or ridicule as a result of the lines.

2. Does the advertisement meet a due standard of social responsibility?

We believe that while the ad is provocative and designed to get a reaction, it is clearly lighthearted and satirical, and relies on an understanding that physical imprisonment of a spouse is an anachronism in our society. With that in mind, it is not socially irresponsible.

We believe that the advertisement was appropriate within the context, medium, and audience, and that it did not breach the Advertising Codes.