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| COMPLAINT NUMBER | 17/178 |
| COMPLAINANT | A Moyse and A Hall |
| ADVERTISER | Wills Contracting (2000) Ltd |
| ADVERTISEMENT | Wills Contracting (2000) Ltd, Digital Marketing and ThreeNow |
| DATE OF MEETING | 11 July 2017 |
| OUTCOME | Upheld |

SUMMARY

The advertisement for Wills Contracting played on digital platforms and ThreeNow, and featured two men discussing one wife's breasts in relation to the commercial lifting services offered by the company. The wife catches the men talking about her and suggests that they will need the lifting equipment to get them out of their dilemma.

Two complaints were received about this advertisement. A. Moyse found the advertisement degrading and belittling to woman and was also offended by the stereotype of a nagging wife and A. Hall said the advertisement was derogatory, sexist and demeaning.

No direct response was received from the Advertiser. The Media response advised that following complaint the advertisement was submitted to the Commercial Approvals Bureau and it received a G rating. The Media confirmed that most of the shows the advertisement played in were rated parental guidance recommended.

Despite the rating and placement, the Complaints Board was unanimous in its view that the advertisement had not been prepared with a due sense of social responsibility and said it had met the threshold to offend against generally prevailing community standards. The advertisement was in breach of Rule 4 and Basic Principle 4 of the Code of Ethics.

A majority of the Complaints Board said the advertisement was also likely to cause widespread offence and was in breach of Rule 5 of the Code of Ethics. The portrayal of the woman and use of stereotypes had also met the threshold to breach Basic Principles 3 and 4 of the Code for People in Advertising. The majority of the Complaints Board confirmed the advertisement was not saved by humour under Basic Principle 6 of that Code.

A minority of the Complaints Board disagreed. In its view, although the advertisement was distasteful, it did not reach the threshold to breach Rule 5 of the Code of Ethics or the Code for People in Advertising – Basic Principles 3,4, 5 and 6.

In accordance with the majority, the Complaints Board ruled the complaint was Upheld.

[Advertisement to be removed]

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 and Rules 4 and 5 of the Code of Ethics and Basic Principles 3, 4, 5 and 6 of the Code for People in Advertising.

Basic Principle 4 and Rules 4 and 5 of the Code of Ethics required the Complaints Board to consider whether the advertisement contained anything that was likely to cause serious or widespread offence, taking into account the context, medium, audience and product (including services) and generally prevailing community standards and whether it had been prepared with a due sense of social responsibility to consumers and society.

Basic Principles 3 and 4 of the Code for People in Advertising required the Complaints Board to consider whether the advertisement portrayed people or stereotypes in a manner which was 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 5 required the Complaints Board to consider whether the advertisement employed sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. The Complaints Board noted Basic Principle 6 of the Code for People in Advertising allowed for the provision of humour and satire as a natural and accepted feature of the relationship between individuals and groups within the community.

The Complaints

Two complaints were received about this advertisement. The first Complainant found the advertisement degrading and belittling to the woman and was also offended by the stereotype of a nagging wife. The second Complainant said the advertisement was derogatory, sexist and demeaning.

The Response

The Secretariat did not receive a response from the Advertiser.

The Media response from Mediaworks confirmed that the creative had come directly from the client and was deemed appropriate for the target audience.

The Media response advised that following the complaint the advertisement was submitted to the Commercial Approvals Bureau and it received a G rating. The Media confirmed that most of the shows the advertisement played in were rated "parental guidance recommended".

Complaints Board Deliberation

The Complaints Board noted the G (General Audiences) rating the advertisement received from the Commercial Approvals Bureau and took into account the placement of the advertisement where the majority of shows were 'parental guidance recommended'.

The Complaints Board noted it had not received a response from the Advertiser to explain the intent or context for the advertisement.

The Complaints Board was unanimous in its view that the analogy used about the woman's breasts and commercial lifting equipment was derogatory and demeaning to women and would be likely to cause offence. The Board said the conversation about the woman's body

between two men including the woman's spouse was distasteful and offended against generally prevailing community standards under Rule 4 of the Code of Ethics.

The majority of the Complaints Board said that the objectification of a woman's body and the stereotypical portrayal of the woman as a nagging wife was enough to reach the threshold to breach Basic Principles 3, 4 and 5 of the Code for People in Advertising.

A minority of the Complaints Board disagreed. In its view, although the advertisement was distasteful and did not observe a due sense of social responsibility, it did not reach the threshold to cause serious or widespread offence in breach of Rule 5 of the Code of Ethics and the Code for People in Advertising – Basic Principles 3,4 and 5.

Conclusion

In summary, the Complaints Board was unanimous in its view that the advertisement had not been prepared with a due sense of social responsibility and was also in breach of Rule 4 of the Code of Ethics as it reached the threshold to offend against generally prevailing community standards.

A majority of the Complaints Board confirmed the following additional breaches: The advertisement was likely to cause widespread offence and was therefore in breach of Rule 5 of the Code of Ethics; the portrayal of the woman and the use of the stereotype had met the threshold to breach Basic Principles 3 and 4 of the Code for People in Advertising; The advertisement was also degrading to women in breach of Basic Principle 5; and finally, the advertisement was not saved by humour under Basic Principle 6 of the Code for People in Advertising.

The Complaints Board ruled the complaint was Upheld.

DESCRIPTION OF ADVERTISEMENT

The advertisement has two men discussing the breasts of one of the men's wife. They speak about how the woman would need to use the lifting services offered by Wills Contracting in order to give her breasts a lift. The woman overhears the men's conversation and responds in a nagging tone, hitting the husband around the head with his hat. The voiceover says that Wills Contracting can get you out of any situation.

COMPLAINT FROM A MOYSE

The ad for Wills contracting features 2 men discussing one of their wives breasts in a disgustingly derogatory way. What seems to make it even more creepy and obscene is that the conversation is started by the man NOT married to the woman in question. Not only is the conversation degrading, but when they are 'caught out' the woman is portrayed as a nagging wife and the portrayal/type of speech is just another negative image of the wife.

I find it hard to believe that in 2017 we are having mainstream advertising that relies on belittling a woman's appearance as it's main strategy.

I have shared it in a woman's/mothers forum (mainly to see if I am justified in my feelings) and the reactions has been outrage.

What makes it worse, is that on the app I can't skip through or fast forward the adverts, and it is on almost every single ad cycle. So I am having to watch it over and over again or else not watch the tv3 content.

I have never complained about anything before, but as a woman and a mother of 2 daughters, this upsets me hugely.

COMPLAINT FROM A HALL

A blatantly sexist ad in 2017. Two men discussing one of their wives breasts. I can't even find the words to express how inappropriate this is. It's derogatory, sexist, and demeaning.

CODE OF ETHICS

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

Rule 4, Decency: Advertisements should not contain anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5, Offensiveness: Advertisements should not contain anything which in the light of generally prevailing community standards is likely to cause serious or widespread offence taking into account the context, medium, audience and product (including services).

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 4: Stereotypes may be used to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of the role, character and behaviour of groups of people in society which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

Basic Principle 5: Advertisements should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people in society to promote the sale of products or services. In particular people should not be portrayed in a manner which uses sexual appeal simply to draw attention to an unrelated product. Children must not be portrayed in a manner which treats them as objects of sexual appeal.

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 ADVERTISER: WILLS CONTRACTING (2000) LTD

No response was received from the advertiser.

RESPONSE FROM MEDIA: MEDIAWORKS

Upon receiving your email, we paused the advertisers campaign on ThreeNow and investigated immediately.

Here are our findings:

- The video creative that has been running is attached to this email (slightly different to the one you sent through).
- The video creative was supplied to us directly from the client and is being used for online video advertising only.
- When we received the video creative (November 2016), it was reviewed by the sales representative and the digital project manager. There were no concerns with the creative and it was deemed appropriate for the targeted show list.
- Since receiving the ASA complaint, we paused the campaign immediately and sent the creative through to the Commercial Approvals Bureau for an official review (approval and classification).
- The Commercial Approvals Bureau have given the creative a 'G' rating, approval number 70613021.
- We have also double checked the show targeting of this campaign and the majority of the shows are PG or PGR rated (Note: there are no kids shows targeted).

As the video creative has been deemed appropriate for the targeting on ThreeNow, we have reactivated the campaign. However, we have advised Wills Contracting of the complaints and to take this into consideration when updating their creative.