

COMPLAINT NUMBER	18/359
COMPLAINANT	C Bartneck
ADVERTISER	Canstaff
ADVERTISEMENT	Canstaff, Out of Home
DATE OF MEETING	11 December 2018
OUTCOME	Not Upheld

SUMMARY

The poster advertisement for Canstaff, which was located on the wall above the men's urinal in a men's toilet at a shopping mall, showed a photo of a man wearing a "high vis" vest and a helmet. The man was peering over to his left, to look at something below where he was seated. The text for the poster said "Nice Hammer – Now that we have got your attention ... We are recruiting – take your skills to the UK! Stop saying shoulda, coulda, woulda. You can with Canstaff."

The Complainant was concerned the advertisement featured a tradesperson looking down at the genitals of those using the urinal, and this was using sexualisation in order to get the attention of the audience.

The Advertiser said they considered the complaint and they are confident the advertisement does not contain anything which clearly offends against generally prevailing community standards and does not breach Basic Principle 4 or Rules 4 & 5 of the Code of Ethics.

The Complaints Board agreed the advertisement relied on the double meaning of the word "hammer" in order to achieve a humorous effect. The Complaints Board noted there was no nudity in the advertisement and it was unlikely that any children viewing the advertisement would understand the reference.

The Complaints Board agreed the advertisement didn't reach the threshold to cause serious or widespread offence and had been prepared with a due sense of social responsibility to consumers and to society.

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 complaint with reference to Basic Principle 4 and Rules 4 and 5 of the Code of Ethics.

Basic Principle 4 required the Complaints Board to consider whether the advertisement had been prepared with a due sense of social responsibility.

Rule 4 Decency required the Complaints Board consider whether the advertisements contained anything which clearly offends against generally prevailing community standards taking into account the context, medium, audience and product (including services).

Rule 5 Offensiveness required the Complaints Board to consider whether the advertisement was likely to cause serious or widespread offence.

The Complaints Board ruled the complaint was Not Upheld.

The Complaint

The Complainant was concerned the advertisement featured a tradesperson looking down at the genitals of those using the urinal, and this was using sexualisation in order to get the attention of the audience. The Complainant said this type of advertising should no longer be allowed in our society.

The Advertiser's response

The Advertiser said they have considered the complaint and they are confident the advertisement does not contain anything which clearly offends against generally prevailing community standards and does not breach Basic Principle 4 or Rules 4 & 5 of the Code of Ethics.

Complaints Board Discussion

Consumer Takeout

The Complaints Board considered the consumer takeout of the advertisement and said it was a recruitment advertisement designed to attract the attention of tradespeople by using double entendre and toilet humour.

The Complaints Board noted the context of the advertisement and said the man in the photo is on a building site, and the advertisement itself is located in a toilet.

The Complaints Board agreed the advertisement relied on the double meaning of the word "hammer", in order to achieve a humorous effect. The Complaints Board noted there was no nudity in the advertisement and it was unlikely that children viewing the advertisement would understand the reference.

The Complaints Board agreed the advertisement didn't reach the threshold to cause serious or widespread offence, taking into account context, medium, audience and product, and had been prepared with a due sense of social responsibility to consumers and to society.

The Complaints Board agreed the advertisement was not in breach of Basic Principle 4 or Rules 4 & 5 of the Code of Ethics.

Accordingly, the Complaints Board ruled the complaint was Not Upheld.

DESCRIPTION OF ADVERTISEMENT

The poster advertisement for Canstaff, which was located on the wall above the men's urinal in a men's toilet at a shopping mall, showed a photo of a man wearing a "high vis" vest and a helmet. The man was peering over to his left, to look at something below where he was seated. The text for the poster said "Nice Hammer – Now that we have got your attention ...

We are recruiting – take your skills to the UK! Stop saying shoulda, coulda, woulda. You can with Canstaff.”

COMPLAINT FROM C BARTNECK

The Canstaff company advertises its recruitment services above the urinals in the toilets. The advertisement features a trade person looking down at the genitals of the urinal's users. The text reads "Nice Hammer - Now that we have your attention..." The hammer is of course a reference to the penis of the urinal's user. The sole purpose of this sexualised advertisement is to get the attention of the audience. The size of a tradesperson's penis is hopefully no criteria for a successful application for jobs in the UK. In any case, there is absolutely no need to refer to genitals for recruiting staff. I consider it highly inappropriate to be confronted with this advertisement when visiting the toilet. Sexualised advertisement like this should no longer be allowed in our society. Not for women but also not for men

CODES OF PRACTICE

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).

RESPONSE FROM ADVERTISER, CANSTAFF

Thank you, for your recent correspondence regarding the above matter.

In consideration of Complaint 18/359 Canstaff Management have reviewed the advertisement in question and have concluded the following;

Relative to the provisions that are being considered in this matter we take into account Basic Principle 4 as quoted "All advertisements should be prepared with a due sense of social responsibility to consumers and to society".

We are confident this advertisement was prepared with a due sense of social responsibility to consumers and to society before being published.

Furthermore, in consideration of Rules 4 & 5 and how they may apply to this complaint, Canstaff are confident relative to Rule 4 that regarding Decency, this advertisement does not contain anything which clearly offends against generally prevailing community standards taking into account the context.

Finally, considering Rules 5. in respect of this complaint, Canstaff are confident relative to 'Offensiveness', that the advertisement does 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.

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on