



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0213/18
2	Advertiser	Moranbah Dental
3	Product	Professional Service
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/05/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man sitting on a park bench with a coffee. He watches a woman in black walk past. A second woman in white walks past and he smiles, showing missing teeth. She puts money in his coffee cup. A voiceover says "what does your smile say about you?"

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

It is sexist and objectifies women. It is also shown during children friendly hours.

This is offensive to me as a woman. Murray actually looks like a pervert, not a dentist who you would feel comfortable going to see.



THE ADVERTISER'S RESPONSE

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

Thanks you for your enquiry regarding the 2 complaints to my add attached is a copy of the current add and I am sending a copy of the add probably seen by the complainants . my belief is that this add doest derade women if anything it degrades me! Anyway you will decide if it contraviens any actual laws . also worthy to note we have only had many messages of praise over this commercial for its humor and we have been advertising it during peak audiences for over 6 weeks I believe . channel 7 say its been seen by over 120 thousand people and weve had 2 people complain .i also have quite aggressive competition from the other dentist in town and one in mackay that I have rubbed up.both advertise with 7 and 7 says one has raised a complaint .

THE DETERMINATION

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainants' concerns that the advertisement is sexist and objectifies women.

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

The Panel noted that the advertisement depicts a man sitting in a park drinking a coffee. He admires a woman as she walks past. He smiles at a second woman that walks past showing that he is missing teeth. The woman puts money in his cup and continues walking. A voice over states 'what does your smile say about you?'

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements 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 preference, religion, disability, mental illness or political belief.'

The Panel noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

"Discrimination – unfair or less favourable treatment
Vilification – humiliates, intimidates, incites hatred, contempt or ridicule".

The Panel noted the complainants' concern that the advertisement is sexist.



The Panel considered that the women in the advertisement were shown to be confident and in control. The Panel considered that the women are shown to be in control through the action of the woman placing the money in the man's cup, and are not depicted in a way which would be likely to humiliate or incite ridicule of women.

The Panel considered that the women are not depicted in a manner that is unfair or to be receiving less favourable treatment.

The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of gender and does not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people."

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainants' concerns that the advertisement objectifies women.

The Panel noted the advertiser's response that the ad did not degrade women and if anything it degraded him.

The Panel first considered whether the advertisement contained sexual appeal.

A minority of the Panel considered that the focus of the advertisement is on the humorous situation and that there was no overt sexual appeal in the advertisement.

However, the majority of the Panel noted that when the first woman walks past there is a focus on her bottom and legs, and when the second woman approaches there is a focus on her chest. The majority of the Panel considered that the focus on the woman's body parts and the man's obvious appreciation of the way the women looked did constitute sexual appeal.

The majority of the Panel considered that even though the context of the focus on the



bodies of the women was for the story in the advertisement, and was not to directly promote the product being advertised, the advertisement did still contain sexual appeal.

The Panel then considered whether the advertisement employed sexual appeal in a manner which was exploitative.

The Panel noted that the definition of exploitative included “focussing on their body parts where this bears no direct relevance to the product or service being advertised.”

The Panel considered that the advertisement did focus on the body parts of the women, especially the chest of the second women. The Panel considered the fact that the second woman in the advertisement was filmed only from the neck down and her face was not shown. The Panel considered that this was a clear focus on her chest.

The Panel noted that the advertiser is trying to create a humorous message about how the state of a person’s teeth can affect the way people think of a person. However, the Panel considered that the story is that the man is ogling the woman, and one of the women thinks he is a homeless person.

The Panel considered that concept of ogling the woman has been depicted by focusing on the women’s body parts, and while this may be relevant to the story of the advertisement, it is not relevant to the product being advertised.

The Panel determined that the advertisement did employ sexual appeal in a manner which was exploitative of the women in the advertisement and did breach Section 2.2 of the Code.

Finding that the advertisement breached Section 2.2 of the Code the Panel upheld the complaints.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Just confirming the ad is not running and was stopped pretty soon after I received the complaint. Your rep explained the main problem was the woman in the ad did not show her face, which was her preference. We will be looking at changing this to comply.

