

Decision of the ADVERTISING REGULATORY BOARD

Complainant	Phil Manners
Advertiser	Netflorist.co.za
Consumer/Competitor	Consumer
File references	40 – Netflorist- Phil Manners – 18 – 12 – 18
Outcome	Dismissed
Date	14 February 2019

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Phil Manners against the radio commercial for Netflorist's Gift basket.

Description of the advertising

A caller calls into a radio station's hotline and the conversation goes like:

Caller: "I am looking for something for our anniversary."

Radio host: "Tell me more about hubby first."

Caller: "Well, he is half English and half Zulu."

Radio host: "Hm, Zulu. Which half?"

Caller (chuckling): “Harold, below the belt.”

Radio host: “Hm, lucky girl, Jane. Why not spoil him with a Moon and Back Chock Crate personalised with his name and a variety of delicious choccies. Because something tells me he’s got a thing for Top-Deck”. (Caller is heard chuckling again) “So, there you have it. There is no reason for you to be a plain Jane. Visit netflorist.co.za. Smooches.”

Complaint

The Complainant submitted that he finds the commercial gross in that it portrays two white people fetishizing black male genitalia on public radio.

Response

The Respondent submitted that it is a brand that has over a decade utilised a tongue-in-cheek tone to communicate with its customers. It has used the very colourful, exuberant, hard-to-ignore character “Harold” who gives relationship gifting “advice”. This “advice” is offered to South Africans of all races, cultures, genders, sexual orientations and subcultures. It meant in no way meant to upset the Complainant and apologises for doing so.

Application of the Code of Advertising Practice

The following clause was considered in this matter:

Offensive Advertising - Clause 1 of Section II

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The Directorate finds itself in a difficult position in this matter – the complaint makes the allegation that he “finds it pretty gross that it portrays two white people fetishizing black male genitalia. . .”. He gives no further insight into his complaint, and the Directorate is unclear

whether he is upset by the objectification of black men or the implication that black men have larger genitalia.

Similarly, the response is very brief. It alleges that the commercial is humorous and in line with its brand positioning.

This leaves the Directorate having to answer the question: Does the commercial portray two white people fetishizing black male genitalia, and if so, is it offensive.

The Directorate starts by noting that the commercial clearly has sexual innuendo in it. The implication is that the caller is “lucky” that the bottom half of her husband is Zulu because Zulu men are known for having larger genitalia. There is no other reasonable interpretation of this aspect of the commercial.

The Complainant submitted that she finds the commercial offensive as it portrays two white people fetishizing black male genitalia on public radio. The Respondent argued its advertising strategy and why “Harold” was chosen as the suitable character. The Respondent acknowledged that it did not intend to offend the Complainant and offered an apology in that regard.

The minority of the Directorate felt that, given this, and given the sparse defence, it must accept that the commercial does indeed fetishize black male genitalia and is therefore offensive.

The majority did not agree.

In the first place, it is not a given that both characters are white. The dialogue and jokes that are used are not dependent on them being white, and the humour would work regardless of the race of these two characters.

The second question is whether they are “fetishizing” black male genitals. There is no doubt that they are referring to them, and are doing so using certain South African stereotypes to try to achieve a humorous commercial.

At www.oxforddictionaries.com, “fetishize” is defined as making a sexual fetish of something; and “fetish” is defined as “A form of sexual desire in which gratification is linked to an abnormal degree to a particular object, item of clothing, part of the body, etc.”

The Directorate is of the opinion that the use of a humorous stereotype does not amount to an unacceptable “fetishizing”. In addition, it notes that this would only be unacceptable if it was done in a manner that degraded or undermined black men. This is not the case (and the Directorate is unclear whether this is even the allegation). In addition, in the event that the complaint is rather founded in a discomfort felt by white men when black men’s genitals are regarded as superior, the Directorate again finds that the use of a humorous stereotype in this regard is not offensive.

In Chicken-Licken – Rhoda Heyns et al, the Directorate said:

The Directorate accepts that there are certain everyday life challenges that affect South Africans that cannot be glamourised or satirised under any circumstance, such as sexual violations, human trafficking and murders. However, there are other situations that are fodder for much humour. Many South Africans consider our ability to laugh at ourselves one of our defining positive characteristics as a nation.

Similarly, the Directorate considers that there are certain stereotypes that can never be joked about; but there are others that form acceptable fodder for humour.

The majority of the Directorate felt that this commercial falls within the latter category, and is not offensive or in breach of Clause 1 of Section II.