



## **CASE REPORT**

1. Complaint reference number	35/09
2. Advertiser	Environmental Protection Agency
3. Product	House goods/Services
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Wednesday, 11 February 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement from the Queensland Environment Protection Agency features a character wearing a t-shirt which says "No one". No one sits in front of a television, stands in front of an airconditioner, drinks from a bottle with the fridge door open. During these scenes a voice over talks about the energy that is wasted when televisions are left on when no one is watching etc. Viewers are told that the Queensland government has developed a climate smart home service which can help people save money through installing energy efficient products. In the closing scene No one tries to block the phone number for the service, but disappears. The voice over says: "No one's stopping you".

## **THE COMPLAINT**

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

*It is yet another example of discrimination against overweight people.. It is particularly objectionable when run by a Government. If you think this complaint is unreasonable, try substituting a coloured person or a person "different" in any other way with non one printed across their chest and making them a figure of fun and scorn. Even though the advertisement is on one level is OK, on a deeper level, as with all forms of negative portrayal of a section of the community, adds to the very real discrimination people battling with problem face every day.*

*The depiction of the overweight bearded person as a no one I have enought trouble in life with out the government show someone like that as a no-one.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*We have liaised with our service provider, Local Government Infrastructure Service (LGIS), who have been contracted by the EPA to provide the implementation of the service, including the marketing components, and can provide the following response:*

- The overall objective of the campaign is to ensure that people receive the message that if they tum off appliances when "no one" is in the home/room, they will make significant savings in greenhouse gas emissions and money.*
- To ensure that this message was clearly made, it was important to select an actor who could engage with the audience in both still and television-style photography in a very short period of time (30 seconds). The actor was selected for his ability to engage the audience in this short timeframe, and portray the appropriate personality attributes, without having any consideration*

*to his physical attributes.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted there were two versions of the advertisement for its consideration.

The Board noted the complainants’ concerns about the advertisement’s depiction of a man who is overweight as the character of “no one” and considered the application of Section 2.1 of the Code, relating to discrimination and vilification.

The Board noted the character depicted in the advertisement was the physical embodiment of a figure of speech, being the “no one” using various household items left on while homeowners are absent and, hence, wasting resources.

The Board considered it was unfortunate that some people, including the complainants, may draw a link between the character being “no one” and being overweight. However, the Board considered the message of the advertisement was clear and did not intend to suggest that people who are overweight are resource wasters or excessive consumers. While those inferences could be available, the Board considered it was not the advertiser’s intention and was not necessarily how most members of the community would interpret the advertisement.

The Board therefore determined that those inferences were not strong enough to amount to vilification or discrimination on the basis of a person’s weight. Accordingly, the Board found no breach of Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.