



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0007-20
2. Advertiser :	Height 4 Hire
3. Product :	Hardware/Machinery
4. Type of Advertisement/Media :	Radio
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement states:

G'day Allan Langer here. Did you know there's a surgeon in Russia who will chop your legs off at the ankle and extend your Femurs by up to 6 inches? You'd have to be "barking" to go through all that for a crappy 6 inches. Stuff that for a game of marbles. Thanks to Height 4 Hire I've found a better way. Take her up boys! ** (Scissor Lift beeping)** Need Height? Hire it right. Height 4 Hire. Call 1800 Height or go to Height 4 Hire dot com dot au.

THE COMPLAINT

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

As a Radiographer who has been involved in the imaging of Achondroplasia children under the expert auspices of Prof Michael Saleh (who uses the "Russian surgeon" techniques), I find the ad abhorrent and discriminatory against anyone with short stature and uses imagery and language to give a negative impression of anyone undergoing corrective surgery. For your information I provide a précis of background. Achondroplasia is the most common type of short-limbed dwarfism affecting 1:25,000 births. The features include small stature, short limbs, macrocephaly (large head) and midfacial retrusion where the face and bridge of nose are flattened. (R. Pauli. OJRD



14:1 (2019)). Famous people with Achondroplasia are Peter Dinklage, David Rappaport and Brad Williams.

TREATMENT - The reference by Height for Hire of the "Russian surgeon" is actually Gavriil Ilizarov (this information is easily accessed on the internet), an orthopaedic surgeon who discovered that by severing the bone and then separating (distracting) the two ends new bone would grow if there was adequate immobilisation of the bone. The immobilisation of the bone is achieved by using a framework that surrounds the limb and fixes pins to the severed bone. This is known as an Ilizarov frame. The bone ends are then distracted very slowly and with the new bone growth the limb is lengthened. The process is long, arduous and extremely painful, yet, I have personally witnessed children stoically and bravely go through this process day in and day out. Ilizarov faced scepticism and ridicule from the medical field and was defined a "quack". His endurance and persistence, relying on several medial studies, gained him respect of the medical establishment which, in turn, has positively impacted many patients outcomes. This advert in its 10 seconds or so pulls all this respect apart and actually ridicules those outcomes for patients.

OUTCOMES -A study by B. Vargus and J. Caton showed that "the final outcome of our patients is very satisfactory" (Int Orthop 2007:31(5):587-591). There is also now a trend for treatment for "constitutional short of stature" with results of "5-11cm" over a period of "7-18 months" (F.Guerreshi and H. Tsibidakis. Journal of Children's Orthopaedics 10,597-604). They also go on to describe how leg lengthening is "helpful to all patients, improving their social capabilities and self confidence". I have personally asked a patient of their experience and was humbled by the answer that "the extra 6 inches means I can now sit on a chair with my feet touching the floor, I can use a public telephone and I can reach door handles easily". The comment in the ad of a "crappy 6 inches" is appalling and derogatory to those of short stature. I regard Triple M as a radio station that supports the community and medical issues as been shown by their awareness campaign of silicosis.

On face value, the company Height for Hire is one that supports the community and children as it is a sponsor of Greater Springfield Sports and GPS Rugby and I am sure these sports associations would disapprove of this ad.

This ad is discriminatory to anyone of short stature and in particular to those contemplating, undergoing or completed surgical intervention. This is, as I see it, direct contravention and breach of the Section5 Discrimination or Vilification stating Section2.1 of the Codes of Ethics which "prohibits discrimination or vilification against people based on...disability". This ad discriminates against and has unfair treatment of people with short stature and humiliates those undergoing or post treatment of surgery by the use of the term "a crappy 6 inches". This can also be argued in the Section2.6 of the Codes of Ethics.

I am also sure that consent has not been gained to use Ilizarov "the Russian surgeon" in this ad. Even though his name is not directly used it can be argued that this is very easily researched on the internet by using only the dialogue used in the ad. He was the



one surgeon who pioneered this technique, he is very well known in the scientific field and by those who have anything to do with this surgery (patient or otherwise). Again this contravenes the AANA Managing the Portrayal of People who states that "Advertisers...must take reasonable steps to ensure that...no identifying information...is used unless prior written consent has been given".

To note, I am not a person of short stature but I feel strongly that those who are should not have to experience this kind of ad especially if they are contemplating or undergoing this type of treatment. I have spoken to my colleagues in the medical field and they agree and support my complaint. I feel pleased that this is the first time I have had to make this type of complaint - it shows that your standards are being adhered to.

THE ADVERTISER'S RESPONSE

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

I refer to your letter dated 6 January 2019 regarding a complaint (Complaint) made by a complainant and submitted to Ad Standards on 30 December 2019. The Complaint concerns an advertisement (Advertisement) by Height 4 Hire in relation to hire of scissor lifts.

Description of the Advertisement

The Advertisement was created by Southern Cross Austereo in response to a brief by Height 4 Hire. The Advertisement was approved by Height 4 Hire in September 2018. The Advertisement runs for 30 seconds and promotes Height 4 Hire's equipment hire services. A digital copy of the Advertisement accompanies this response.

The Advertisement features the voiceover of Allan Langer, a well-known former rugby league player, mentioning that a surgeon in Russia is able to extend a person's femurs by up to 6 inches. He rejects the idea and says he's found a "better way" to increase height. A scissor lift sound effect is heard.

Broadcast of the Advertisement

The Advertisement has been regularly broadcast on Triple M Brisbane since October 2018. While we respect the right of any member of the community to complain about an advertisement, we also note that no other complaint has been received in relation to the Advertisement in the 15 months that the Advertisement has been on air.

Section 2 of the AANA Code of Ethics

Your letter indicates that the Advertisement raises issues under section 2 of the AANA Code of Ethics (Code).

We are satisfied that the Advertisement does not any raise any issue under any part of section 2 of the Code. We comment below in relation to each part of section 2.



2.1

The Advertisement does not depict material which discriminates against or vilifies a person or section of the community on any of these grounds. While it makes reference to a type of surgery that is possible to make a person taller, it does not discriminate against or vilify any person or section of the community based on any disability. It certainly makes no reference to people with disabilities or conditions such as achondroplasia or dwarfism. It employs Allan Langer, a former rugby league player, who is known for being of short stature, to make a surprising, creative and comedic juxtaposition of two ways of increasing height: leg-lengthening surgery and a scissor-lift. Langer does not suffer from achondroplasia and no allusions whatsoever are made to the condition, or any medical imperatives for a person to increase their height.

2.2

The Advertisement does not employ sexual appeal using Minors or people who appear to be Minors and is not exploitative or degrading of any individual or group of people.

2.3

The Advertisement does not present or portray violence.

2.4

The Advertisement does not present sex, sexuality or nudity.

2.5

The Advertisement does not employ strong or obscene language.

2.6 The Advertisement does not depict material of this nature. It makes reference to leg-lengthening surgery but does not encourage such surgery nor comment on the medical reasons for which such surgery might be appropriate.

2.7

The Advertisement is clearly distinguishable as such.

AANA Managing the Portrayal of People

The Complaint also makes reference to the AANA Managing the Portrayal of People Practice Note (the Practice Note). We consider that all reasonable steps have been taken to follow the Practice Note and that no individual has been portrayed inappropriately in the Advertisement. The complainant quoted from the section of the Practice Note entitled "Security". A reference to an unnamed "surgeon in Russia" in the Advertisement does not risk the security of any individual. It does not provide any personal details or contact information for the unnamed surgeon, which would have required prior consent. Further, the surgeon mentioned by the complainant, Gavriil Ilizarov, is in fact deceased. The Advertisement intended to use the reference to an unnamed "surgeon in Russia" character as a surprising and creative juxtaposition with a scissor lift hire company.

Other Codes



The Complaint does not fall within the remit of the AANA Code for Marketing & Advertising Communications to Children or the AANA Food & Beverages -- Advertising & Marketing Communications Code.

Conclusion

For the reasons set out above, we request that the Complaint be dismissed. We look forward to your determination. If you require any further information, please do not hesitate to contact me.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement is discriminatory to people with short stature, including those with Achondroplasia.

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

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 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted that the advertisement uses an exaggerated analogy between gaining height through surgery, and gaining height through equipment.

The Panel noted that the man speaking in the advertisement as Allan Langer, a rugby league player who is 165cm tall.

The Panel considered that whilst the advertisement references a medical procedure to gain height, it does not identify or reference people of short stature or make any implication that the need for height is a need for people with short stature.

The Panel considered that the advertisement appeared to be referencing the procedure in terms of people who would want to be taller for cosmetic reasons, not people of short stature.



The Panel considered that the advertisement did not identify people a group of people other than a very broad group of people who might want to be taller, and did not reference people of short stature in a way which would discriminate or vilify them.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of disability and determined that the advertisement did not breach Section 2.1 of the Code

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.