



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0018-20
2. Advertiser :	Treasury Wine Estates
3. Product :	Alcohol
4. Type of Advertisement/Media :	TV - On Demand
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 television advertisement depicts a man at home googling "I don't want to go out" and the computer saying he has agoraphobia. Following scenes show him on his phone, peering out windows and using a VR headset.

THE COMPLAINT

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

Diminishes and belittles those persons with legitimate mental health issues, agoraphobia and anxiety. This I believe leads to a thought that these conditions are not important or realistic serious conditions. This has really both upset me and incensed me. The process of discounting and belittling mental health should not be allowed.

THE ADVERTISER'S RESPONSE

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



Thank you for giving Treasury Wine Estates (TWE) the opportunity to respond to the Ad Standards complaint reference number 0018-20 regarding the Squealing Pig 'Stayed Home' TV commercial (TVC).

The complaint states: 'It diminishes and belittles those persons with legitimate mental health issues, agoraphobia and anxiety. This I believe leads to a thought that these conditions are not important or realistic serious conditions. This has really both upset me and incensed me. The process of discounting and belittling mental health should not be allowed'.

The complaint raises issues under Section 2 of the AANA Code of Ethics (Code).

As we have been asked to address all parts of Section 2 of the Code, our responses in relation to each section are set out below.

- *2.1 - Discrimination or vilification - In TWE's opinion, the TVC does not contain material that discriminates against or vilifies any section of the community on account of mental illness:*

- o *This advertisement forms part of a series of 5 TVCs based on the well-known 'this little pig rhyme' which are extremely quirky and humorous in nature and consistent with the Squealing Pig brand as a whole. This specific TVC relates to the second line of the rhyme 'this little pig stayed home' where the intention of the ad is a play on the concept of FOMO (fear of missing out). The character is sitting at home by himself looking at social media whilst diagnosing himself with agoraphobia using a fictitious medical website called 'Dr Oink Online' which is intended to convey the light-hearted nature of the content. The TVC is not intended to be taken seriously or literally and we believe that most audience members would understand this.*

- o *In TWE's opinion, the TVC does not discriminate against people with agoraphobia or other mental illness. Whilst the TVC does reference the condition agoraphobia, the imagery and language used in the TVC is highly fictional and does not represent a realistic depiction of people with genuine agoraphobia or other mental illness. The character has used 'Dr Oink Online' to self-diagnose, so most audiences would recognise this is not an accurate diagnosis. In any event, in our view the TVC does not promote unfair or less favourable treatment of people with agoraphobia or other mental illness. None of the imagery or language used in the advertisement creates a negative impression of people with agoraphobia or other mental illness – in fact the TVC ends with the character having a positive experience at home with virtual reality goggles.*

- o *Further to the above, we do not believe that the TVC vilifies members of the community who may be impacted by agoraphobia or other mental illness. The portrayal of our main character was certainly never intended to humiliate, incite contempt for, or ridicule those suffering from agoraphobia or other mental illness. These are obviously serious issues that must be treated accordingly.*

- o *The alcohol industry regulator ABAC has reviewed and approved the ad itself, which was pre-vetted by TWE (before publication) as part of our strict internal compliance process. ABAC did not raise any concerns about offensive behavior, which is dealt with under section 3(a) of the ABAC code.*



- o Given the above, we believe that the ad is consistent with the AANA Code requirements.*
- 2.2 - Exploitative and degrading - In TWE's opinion, the TVC does not contain material that employs sexual appeal which is exploitative or degrading to any individual or group.*
 - 2.3 – Violence - In TWE's opinion, the TVC does not contain material that is violent towards any individual or group.*
 - 2.4 - Sex, sexuality and nudity - In TWE's opinion, the TVC does not contain material that is sexual in nature.*
 - 2.5 - Language - In TWE's opinion, the TVC does not contain inappropriate, strong or obscene language.*
 - 2.6 - Health and Safety - In TWE's opinion, the TVC does not contain any unsafe or unhygienic behavior or other material which is contrary to prevailing community standards on health and safety.*
 - 2.7 – Distinguishable as advertising – the TVC is clearly distinguishable as advertising given the branding and product is prominently displayed at the beginning and end of the TVC.*

TWE is familiar with the requirements of the Code and has internal guidelines (in the form of a Responsible Marketing Handbook which specifically refers to the Code) to assist our sales, marketing and communication teams to develop marketing campaigns that meet TWE's Responsible Marketing Guidelines. These teams are also trained regularly on responsible marketing. This TVC was assessed by TWE in accordance with these guidelines.

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 making a parody of mental health issues and is inappropriate.

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 considered that a reference to a person having a mental illness such as agoraphobia does not of itself constitute discrimination or vilification.

The Panel noted that the advertisement depicts an exaggerated scene of a person who may have agoraphobia but considered that the advertisement does not disparage or humiliate the man for the condition. Rather, the advertisement depicts the man as finding a way to have experiences inside his home by using a virtual reality headset.

The Panel noted that the overall theme of the advertisement is the metaphor that the man is one of the “little pigs” from a nursery rhyme, in this instance he represents ‘this little pig stayed home’.

The Panel considered that the advertisement included details such as a website called ‘Dr Oink’ and a photo of sausages on the wall with the caption ‘father’, and that these details added to the overall impression that the advertisement was highly stylised to further reinforce the little pigs character that the man was depicted as representing.

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 mental illness 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.