



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0029-21
2. Advertiser :	Reckitt Benckiser
3. Product :	Health Products
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Feb-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a woman in a yellow artistically-styled room who stands up from a couch as music plays, and walks down some steps with glitching special-effects making her movements jerky and disjointed, before she ingests a tablet and is able to dance free of the bodily glitches.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

As the head of Surrey Gardens: Moving Beyond Disability, and as a disabled woman myself, this advertisement was abhorrent in its displays of movement, and has made me and many others feel very upset. The distorted and glitching way in which the 'unwell' woman in the ad walks is identical to that of an individual with Cerebral Palsy, or of an individual with a disability - and this ad serves to do nothing but unkindly remind those of us with movement issues that we clearly have something wrong with us. This advert has been poorly written, poorly conceived and poorly executed, with no thought for anyone outside the able community. In no other words, when this advert begins, I am forced to change the channel or else break down in tears, it is as simply put as that.



THE ADVERTISER'S RESPONSE

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

Reckitt Benckiser is an Equal Opportunist, where we ensure that all people and communities are treated similarly, unhindered by artificial constrictions, prejudices or preference, except where a reasonable distinction is defeasible. We are committed to considering the implications of our advertising, including consideration of those who may find our content offensive.

We understand the complainant's concerns and appreciate them being raised with us.

All advertisement and promotional material published by Reckitt Benckiser undergoes regulatory, compliance and legal review. We are satisfied that the Nuromol Television Commercial ("TVC") met all regulatory, compliance and legal requirements at the time of publication.

On review of the TVC, we have assessed that the dramatisation is in accordance with the Australian Advertising Codes & Guidelines. This included review of the subject of the TVC, being a woman, dancing in a manner consistent with a theatrical interpretation of pain as a 'glitch' effect, which was consistent with the voice-over "when we're in pain, our life can feel out of sync...". The movements of such were an illustrative visualisation not aimed to cause offence and were done so within the four corners of artistic licence. A statement 'for illustrative purposes only' is included as a clearly legible super in the frame where the dancer is demonstrating the 'glitch effect'. To further add to the illustrative nature of this concept the visual of the dancer goes in and out of focus and of alignment with her body during the glitch movements.

We thank you for your interest in our products and for your feedback. All feedback is reviewed to ensure we maintain a high standard of service for our consumers and kept in our records in accordance with our reporting duties.

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 concerns that the advertisement is offensive to some people with a disability.

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

Section 2.1: Advertising or Marketing Communication shall not portray people 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 AANA Practice Note which provides guidance on the meaning of:
Discrimination - unfair or less favourable treatment
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
Disability - a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of disability?

The Panel noted that the advertisement makes no reference to any disability, and that the product being advertised is a pain medication.

The Panel noted that the voiceover in the advertisement states “when we’re in pain, our life can feel out of sync” and the Panel considered that the visual effects in the advertisement were reflective of the voiceover.

The Panel considered that it was sympathetic to the interpretation of the complainant, however considered that that interpretation was unlikely to be shared by the broad community.

The Panel considered that the content of the advertisement did not show the woman to receive unfair or less favourable treatment because of a disability, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the woman or towards any person because of a disability.

Section 2.1 conclusion

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

Conclusion

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