



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0031/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Enfield furnishers</b>
<b>3</b>	<b>Product</b>	<b>House Goods Services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>30/01/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Mental Illness

### DESCRIPTION OF THE ADVERTISEMENT

30 second TVC promoting New Year Sale for Enfield Furnishers in Kadina & Port Augusta, South Australia. The staff member is dressed outlandishly wearing shorts and a jacket, a large hat, enlarged ears and thick glasses. The staff member is depicted as doing a stand-up comedy routine with childish antics to push the message that the sale is crazy and the store is offering crazy New Year prices. The word crazy is repeated numerous times.

### THE COMPLAINT

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

*The ad is offensive to those with mental health issues and to those sensitive to such issues. It is also offensive to those with seriously impaired vision and those people with overly large ears. It implies that to be mentally ill one has a flawed appearance and that the notion of a "crazy person" is supposed to be both entertaining and funny. It gets my attention as a social worker but not in a positive way.*

### THE ADVERTISER'S RESPONSE

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

*Southern Cross Austereo Port Pirie takes all complaints pertaining to its advertising content seriously and is happy to cooperate fully with the Advertising Standards Bureau. The TVC in question falls under Section 2 of AANA Advertiser Code of Ethics, specifically the below sub-section.*

*2.1 Advertising or Marketing Communications 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.*

*It is our belief that the TVC is in no way offensive to people with mental health issues or disabilities, and it was certainly not intended in any way to cause offence. The ad is so far "over the top" that it cannot be taken seriously as a depiction of legitimate disabled person or someone with mental health problems. We argue that the person in the TVC is merely presented as outlandish and fun.*

*We argue that if such advertising was to be taken literally, then no fictional/fantastical content, or characters, could ever appear in TV commercials.*

*Terms such as "crazy prices", "crazy sale", "crazy deals" are terms commonly used in all forms of advertising across all mediums, and we feel that the complainant is holding us accountable for the practices of the entire advertising industry.*

*The TVC was submitted and approved by CAD, and at no stage did they question or query the "crazy" aspects of the commercial, nor the appearance or depiction of the man in the commercial.*

*Again, we're always happy to address concerns about our advertising content. We also recognise and support the complainant's right to lodge a complaint. Such processes are integral to the self-regulation of the industry.*

## **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 the complainant's concerns that the advertisement is offensive to people with a mental illness.

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

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: "Advertising or Marketing Communications 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 Board noted that the advertisement features a man wearing a large hat, comical glasses and ears and shorts and a tie, moving through the furniture store talking about the 'crazy' prices of the stock.

The Board noted the complainant's concerns that the advertisement implies that if someone

has a mental illness that would also have flawed physical characteristics.

The Board noted that the mannerisms displayed by the man talking and moving around the store are designed to make him appear “crazy”. The Board noted that the presentation of the man as crazy was to make a connection with the crazy prices being offered as part of the sale and not as a reference to a person suffering from a disability.

The Board considered that the actions of the man were intended to portray the fact that the store was offering significantly reduced prices on its furniture and this was the crazy action.

The Board noted that the man is seen clucking like a chicken and tap dancing on top of furniture and that these actions would be recognized by reasonable members of the community as an unusual or “crazy” way of acting rather than the actions being suggestive of a particular type of disability or mental impairment.

The Board considered that the advertisement does not portray people with disabilities in a negative manner.

The Board considered that the advertisement did not discriminate against or vilify any person or section of the community on account of disability and did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.