



Ad Standards Community Panel  
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Ad Standards Limited  
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## Case Report

1. Case Number :	0036-22
2. Advertiser :	4WD SupaCentre
3. Product :	Sport and Leisure
4. Type of Advertisement/Media :	Email
5. Date of Determination	23-Feb-2022
6. DETERMINATION :	Upheld – Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This email advertisement features a cartoon image of a man in a straitjacket and the text "Over 100 mental daily deals".

### THE COMPLAINT

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

*As some who works closely with the mental health sector, this was offensive on all fronts. The copy and imagery were used in such a flippant way. The portrayal of a distressed person in a straight jacket is just disgusting. All to sell more 4WD equipment.*

*This is an insensitive, hurtful and triggering image portraying someone with mental health issues as "mental" / crazy and trivialises the traumatic ways those who live with these struggles have been treated in the past. Just as you would not make light of someone with a physical disability in an ad campaign, you should not make light of mental health struggles.*

### THE ADVERTISER'S RESPONSE

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



*We refer to your letter of 14 February 2022 which claims an advertisement of ours may raise concerns regarding discrimination or vilification in breach section 2.1 of the Australian Association of National Advertisers (AANA) Code of Ethics published in February 2021 (Code).*

*The advertisement complained of contains a fictitious cartoon character in a straight jacket, the wording "Over 100 mental daily deals" and, in larger font other wording including "UP TO 50% OFF" and "SAVE SAVE SAVE" (Advertisement).*

*The cartoon character and "mental" reference in the Advertisement are highly exaggerated and unrealistic and are clearly intended to be fanciful and humorous. There are no implications of unfair treatment or hatred in the Advertisement. In our view, most members of the community viewing the advertisement would be unlikely to find the Advertisement discriminates against or vilifies people with disabilities or mental illnesses. Therefore, the Advertisement does not breach section 2.1 of the AANA Code.*

*Furthermore, the Advertisement was distributed by email which is of opt-in nature. Therefore, consumers who find the Advertisement offensive can unsubscribe from the email.*

*Finally, of our own initiative and on a without admissions basis, we ceased using the Advertisement on or around 1 February 2022.*

*Given the foregoing, we submit the Advertisement does not breach section 2.1 of the AANA Code and that case 0036-22 should be dismissed. We look forward to a favourable decision.*

## **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 complainants' concern that the advertisement trivialises mental illness and makes fun of mentally ill people.

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

**Section 2.1: Advertising 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 orientation, 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 word 'mental' is sometimes used in a colloquial way to express that something is unbelievably good, and that this was the context the advertiser was using the phrase in the advertisement in reference to their deals.



The Panel also noted that terms such as ‘crazy’, ‘insane’ and ‘mental’ have often been used in advertising to suggest that advertisers must be one of those things to offer deals that good. The Panel noted that it had previously considered the terms ‘mad’ and ‘crazy’ in advertising as not breaching the Code (0473-18, 0452-16, 0386-13, 0319-10).

The Panel noted that in the past few years there has been increasing awareness of mental health issues in Australia, in particular during the COVID-19 pandemic, community standards around the use of these terms in advertising were changing, and that jokes at the expense of the mentally ill were out of date and no longer acceptable.

The Panel noted that the word ‘mental’ and the image of the person in the straitjacket relied on negative stereotypes of mentally ill people being out-of-control and requiring restraint. The Panel considered that this negative stereotype was an example of the stigma associated with mental illness that is a problem in the Australian community.

The Panel considered that the depiction of the mentally ill person in the advertisement did lower in character or quality people with mental illness, and also incited contempt for and ridicule of people with mental illness.

### **Section 2.1 conclusion**

The Panel considered that the advertisement did portray or depict material in a way which discriminates against and vilifies a person or section of the community on account of mental illness and determined that the advertisement did breach Section 2.1 of the Code.

### **Conclusion**

Finding that the advertisement breached Section 2.1 of the Code the Panel upheld the complaints.

### **THE ADVERTISER’S RESPONSE TO DETERMINATION**

As per our letter of 21 February 2022, we ceased using the Advertisement on or around 1 February 2022.