



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0054-21</b>
<b>2. Advertiser :</b>	<b>Amebae</b>
<b>3. Product :</b>	<b>Insurance</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet - Social - Facebook</b>
<b>5. Date of Determination</b>	<b>10-Mar-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement features the text "Unable to keep a white shirt clean for longer than a minute? Have trouble meeting deadlines? Always lose your keys? If so, you might be incompetent - which means you might qualify for Incompetent Insurance. We're the only company that can help unfortunate soul who can't get through life without constantly messing up. If you suspect that you might be one of the unlucky ones, take the quiz to find out!"

The advertisement also contain two images, one of a man's face and the text "Don't be embarrassed", and one of a man's torso with spilt food on his white shirt and the text "Accident prone?".

### THE COMPLAINT

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

*Ad is ableist, and misleading to vulnerable people, including those but not limited to people with disabilities and other conditions impacting motor skills, working memory, and neurodevelopmental disabilities, ect. In addition to being offensive this ad may mislead vulnerable people to be believe health insurance can assist with "incompetence".*



## THE ADVERTISER'S RESPONSE

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

*Site was created as a satire joke site to show what our dev, design and content team were capable of*

*We saw an opportunity to tie it back to health insurance so we asked comparehealthinsurance.online (itsmy) if they wanted to help us test it*

*We ran facebook ads from around around the 25th of Jan and stopped them after 2 weeks because we validated the sites purpose/joke*

## 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 ableist and may mislead vulnerable people.

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

The Panel noted that the issue of misleading advertising is outside the charter of the Panel and could not be considered.

**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 Practice Note to Section 2.1 provides the following definitions:

“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 issue of treatment towards people with a disability is of community concern, and considered that the issue of people having low expectations of people with a disability exhibits an insulting stereotype.



The Panel considered that incompetence is not itself a disability and that the advertisement makes no reference to disability at all. The Panel noted that some people have disabilities which may result in concerns mentioned by the complainant (motor skills, memory etc), however considered that the advertisement clearly refers to people with a common level of clumsiness or absent-mindedness.

The Panel considered that the advertisement did not identify people or a group of people other than a very broad group of people who may have a level of clumsiness or absent-mindedness, and did not refer to people who may have a disability in a way which would discriminate or vilify them.

### **Section 2.1 conclusion**

The Panel considered that the advertisement did not 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.

### **Conclusion**

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