



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0054-22
2. Advertiser :	InstantScripts
3. Product :	Health Products
4. Type of Advertisement/Media :	Transport
5. Date of Determination	23-Mar-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This transport advertisement for a medical service features the words "Real Australian Doctors" and an image of a phone with a picture of a doctor.

THE COMPLAINT

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

Services were described as being offered by 'Real Australian Doctors'. This wording was accompanied by the image of a white man.

My objection is to the providers being described as 'real Australian'. I think that we can safely say that the use of the word 'doctor' is not contested.

Firstly, the wording suggests that there are some of us who are not 'real Australians' and that there might even be doctors who fit into this category. I think that the company is trying to make the point that all services are provided by doctors who are registered in Australia. Not exactly the same thing!

In modern multicultural the depiction of real Australian as a white man is both offensive and and wrong. Half of us are female, many of us are not born or educated here, nor do we all come from European backgrounds. It is not unreasonable to



regard this depiction of a doctor as an appeal to xenophobia. Perhaps it is to attract patients from rural areas whose medical services are often limited and whose doctors are frequently overseas trained.

THE ADVERTISER'S RESPONSE

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

I write in response to the recent complaint raised on 1 March 2022 regarding InstantScripts Tram wrap that is running along Route 16 in Melbourne.

The complainant raised concerns regarding:

AANA Code of Ethics\2.1 Discrimination or Vilification\Race

AANA Code of Ethics\2.1 Discrimination or Vilification\Gender

InstantScripts is a start-up digital medical clinic. We provide a GP service that enables people around Australia to have access to GP telehealth services from 6am to midnight every day.

During our early stages of growth in 2019 and 2020, one of the most common social media comments was “fake doctors” and “not safe to use”. Therefore, when we had the funds to start promoting our brand, we determined to communicate that we employ real people who are Australian qualified and registered.

Our brand line is “Real Doctors. Real Convenience. Your online health clinic”, which is what we have plastered across the Tram.

Dr Andrew Thompson is our Medical Director and at the time we produced this he was our only Full Time GP. He managed approximately 35% of all calls, reviews most of the pathology results, ensures the digital questionnaires in the express service are in line with clinical standards and provides medical oversight to ensure safe prescribing of medication. He also has oversight of all the locum Doctors employed to support him.

The only benchmark our locum doctors must meet is that they are Australian registered and qualified and they have clinical practice experience. Our primary objective is to ensure our customers are being supported by professionals who are authorised to treat and care for patients in a primary care context.

We note that the complainant also shared their view on facebook.

Whilst we sought to reassure them that our intent was not to promote the idea that only “white men” could be a “real doctor” and that we do employ people for a wide range of backgrounds in other roles within our organisation – they were not satisfied.



We chose not to take their Facebook comment down because we believed our community would let us know their views on this feedback.

We hope you agree, our intent was only to promote our service as a convenient way to access a GPs service.

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 xenophobic by:

- Suggesting that some doctors are not real Australians
- Depicting a white man as a real Australian which is offensive as half are female, many are not born or educated in Australia or do not come from European backgrounds.

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

Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin

Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men.

Gender is distinct from 'sex', which refers to biological differences.

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

The Panel noted that the likely intent of the advertisement (confirmed by the advertiser in its response) is to promote the fact that employees of the business are qualified and registered as doctors in Australia. The Panel noted the advertiser's statement that this is done to combat concerns expressed by consumers that the employees of an online service may be unqualified. The Panel noted that the man depicted was, at the time of the advertisement's creation, the only full-time doctor on staff however considered that this context is not available to members of the public viewing the advertisement.



The Panel noted that the advertisement features only a Caucasian man, and considered that monocultural imagery in conjunction with the phrase “Real Australian Doctors” may give the impression that the advertisement is positioning only Caucasian men as being both real Australians and real doctors. The Panel noted that using a Caucasian male in promotional imagery was not automatically discriminatory towards races or genders not pictured, however considered that whether unintentional or otherwise, many viewers would interpret the image and the accompanying text as being offensive.

However, the Panel noted that an advertisement must be discriminatory or vilifying of a person or a group of people in order to breach the Code. The Panel considered that by omission the content of the advertisement was exclusive of some segments of the community, but that the advertisement did not depict material which humiliates, intimidates, incites hatred, contempt or ridicule of other races or genders nor depicts them receiving unfair or less favourable treatment, and therefore did not breach the terms of the Code.

The Panel noted in particular Section 2.1 of the Code, which states “advertisements must not *portray or depict* material...”[emphasis added]. The Panel considered that unless a segment of the population is actually shown or referred to in the advertisement in a proscribed way, an advertisement cannot without more be found to breach the Code only on the basis of excluding that segment of the community (ie, not appearing/referred to in the advertisement at all).

The Panel considered that the decision of the advertiser to put a Caucasian man as the only image of a “Real Australian Doctor” was unfortunate. The Panel considered that the advertiser should take care to consider how its advertisement is presented and ensure that information about its business is not presented in a discriminatory manner.

Overall the Panel considered that the advertisement did not depict material in a manner that was discriminatory or vilifying on the basis of race.

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

For the reasons discussed above, the Panel considered that the advertisement did not depict material in a manner that was discriminatory or vilifying on the basis of gender.

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 race or gender, 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.