



Case Report

1	Case Number	0100/15
2	Advertiser	Westpac Banking Corporation
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	25/03/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Mental Illness

DESCRIPTION OF THE ADVERTISEMENT

This ad features a couple as they move into and live in their newly purchased home. A 'third wheel' has moved in with them (depicted as a man). He's an annoying house guest that will not leave. The annoying house guest is a metaphor for a home loan that won't get out of your life. The man is seen taking part in all aspects of their lives including relaxing in front of the TV.

THE COMPLAINT

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

The apparent "Home Loan" acquired by a young married couple is depicted by an obviously 'retarded' man who is shown as a 'nuisance' or 'hanger-on' who interferes in a young couples' lives etc.

The ad is disturbing because of the use and humiliating aspect of a person who is intellectually retarded and should be revised and adjusted accordingly.

THE ADVERTISER'S RESPONSE

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

Westpac acknowledges receipt of the complaint relating to the portrayal of an unwanted home loan by a middle aged male on 3 March 2015.

The complainant states that they believe that the "Home Loan" is depicted by an "obviously 'retarded' man" and believes that the "ad is disturbing because of the humiliating aspect of a person who is intellectually retarded".

Westpac values the feedback and opinions from all viewers of its advertising and goes to great lengths to ensure that its advertisements do not discriminate against any class of individuals. On this occurrence however, Westpac strongly refutes that the advertisement in any way depicts an intellectually disabled person or a person with any form of learning difficulty. In our opinion there is nothing within this advertisement that could reasonably be regarded as depicting such a person.

The character is a metaphor for a home loan that outstays its welcome and starts to intrude on your life. He is over bearing, irritating, inappropriately dressed (even wearing the wife's dressing gown), but there is nothing about this character that suggests that he has any form of disability. Many actors were considered for the part of the 'annoying house guest'. The successful actor was chosen for his broad range of acting abilities and in particular his comedic talents. The actor is a comedian by trade and had the ability to bring a range of humorous scenarios to the advertisement.

Both the creative advertising agency (DDB) and Westpac are strong supporters of self-regulation and the AANA Codes of Ethics.

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 complainants' concern that the advertisement is discriminatory against people with a mental disability as it portrays a person with an intellectual disability and is disturbing because of the humiliating aspect of a person who is intellectually disabled.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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 the advertisement features a man intruding on a couple's home and private time and that the voiceover explains that the man is representing home loans which feel like they "stick around for ever".

The Board noted the advertiser's response that the intent of the advertisements was to show the man as a metaphor for a home loan that outstays its welcome.

The Board noted that it had previously dismissed the same advertisement played at the Cinema (0414/13) and in that case considered that "the advertisement makes it clear that the man is being used to represent a product (home loans) rather than an identifiable group in society."

In the current matter, the Board noted that the actions of the man in the advertisement are not welcomed by the couple who own the home and considered that these actions are in the context of being annoying and affecting the couple's time together. The Board considered that most members of the community would agree that the man is not presented as having a mental disability and that it was clear that he is representing a product and portrayed as being disliked for this purpose.

The Board noted that the overall tone and theme of the advertisement is intended to be light-hearted and humorous and considered that the advertisement did not depict material that discriminated against or vilified any person or section of the community.

The Board determined that the advertisement did not breach Section 2.1 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.