



## Case Report

1	Case Number	0101/15
2	Advertiser	Westpac Banking Corporation
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/03/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.1 - Discrimination or Vilification Gender

### 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:

*Is there any reason why everything negative is portrayed as male?*

### 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 "protest against the Westpac ad that portrays an unwanted home loan as a middle aged man". Although the complaint doesn't specify why this protest is*

*made, we can only assume from the 'Reason for the concern' that the complainant believes that the use of a middle aged male in this role brings about negative connotations towards middle aged males.*

*Westpac values the feedback and opinions from all viewers of its advertising. On this occurrence however, Westpac is unable to agree that the use of a middle aged man in this particular advertisement is in any way discriminatory towards a particular gender or age. 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 mocks his gender or age. Westpac goes to great lengths to ensure that its advertisements do not discriminate against any class of individuals. On this occasion, despite considering a number of actors 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 welcome by the couple who own the home and the Board 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 noted that it considered the same advertisement on Pay Television (ref 0100/15)

and dismissed the matter on Pay TV as well.

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.