



# Case Report

1	Case Number	0118/16
2	Advertiser	ANZ Banking Group Ltd
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/04/2016
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.1 - Discrimination or Vilification Gender

## DESCRIPTION OF THE ADVERTISEMENT

This advertisement shows a series of shots of young girls smiling. A voice over reads out that girls start off so far ahead, but the system's not designed for women to succeed. The voiceover concludes by stating that "to help change things, ANZ will make an additional five hundred dollars super contribution to our female employees."

## THE COMPLAINT

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

*This ad reinforces the "us and them" feminist culture of grievance. I'm sure an ad that stated: "men have bigger brains than women etc" would be banned as misogynist.*

*In the West, women have better education than do men. There are more females attending university, gaining degrees and doctorates, PhDs and professor status, etc. So the statement that females have a lower standard of education everywhere is simply a misleading lie.*

*It claimed girls read before boys etc yet get paid less and have less representation etc, as if they are deliberately disadvantages. Extremely sexist advertisement.*

*The ad promotes a \$500 superannuation advantage to only female members of the public, all whilst spruiking equality.*

*It paints women as victims and indirectly paints men as the cause of this. They say in the advert they want equality. By offering extra money ONLY for women for their super - sounds like discrimination.*

## **THE ADVERTISER'S RESPONSE**

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

*We note that the complaints submitted pertain to section 2.1 of the AANA Code of Ethics*

*which states: 2.1 Advertising or Marketing Communications 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.*

*You have asked for us to comment on how our ad deals with all parts of Section 2 of the AANA Code of Ethics:*

### *2.1 Discrimination or vilification*

*The advertisement is specifically about girls and women. It does not vilify boys or men.*

*The purpose of the advertisement is to show that systems are not designed to support women, not to be discriminatory against either gender.*

*Based on credible third party, primary research (which has been sourced and referenced within the advertising), the campaign aims to shine a light on the current factual statistics about how women fare globally in the areas of management, education, government and income and highlight the juxtaposition of these outcomes with the promise and potential we see reported in early developmental studies of children the world over (and which ANZ has had corroborated by an independent medical researcher).*

*The additional super contributions for our female employees, recognises the shortfall in retirement savings faced by many women which has been documented in credible third party research.*

*Prior to introducing this initiative, ANZ considered the provisions of the Sex Discrimination*

*Act 1984 and relevant State and Territory Anti-Discrimination and Equal Opportunity legislation.*

*ANZ considered that paying female employees additional superannuation falls under the 'special measures' exception which exists in the relevant legislation (except in New South Wales). In very general terms, a special measure is a measure taken for the purpose of achieving substantive equality. To assist us forming that view, we note that the Sex Discrimination Commissioner at the Australian Human Rights Commission has advised ANZ that she considers the program to be consistent with the objects of the Federal Sex Discrimination Act.*

*In addition, given that the relevant legislation in New South Wales does not contain a special measure exception, in June 2015 ANZ obtained a formal exemption from the New South Wales Anti-Discrimination Board which approved the payment of additional superannuation to female employees in New South Wales. In providing the exemption, the President of the New South Wales Anti-Discrimination Board advised ANZ that he thought it would improve gender equality and commended ANZ for this innovative initiative.*

## *2.2 Exploitive & degrading*

*We cast girls to read the statistics as we had verified through medical research that girls on average, read before boys. It was appropriate therefore to have young girls provide the statistics in the TVC.*

## *2.3 Violence*

*Not applicable. There is no violence or harm done to any of the girls in the TVC.*

## *2.4 Sex, Sexuality and nudity*

*All girls are appropriately dressed in age appropriate clothing. Girls are represented as young girls – not adult women and are not portraying or communicating any messaging of a sexual nature.*

## *2.5 Language*

*Attached script does not contain any offensive language.*

## *2.6 Health & Safety*

*Filming was supervised by a nurse and each girl's parent/guardian was on set at all times. Working time was restricted to industry standard hours for filming children.*

*All information and primary research based statistics put forward in our advertising have been rigorously analysed, validated and appropriately sourced. Further information can be found in the ANZ Women's report, a comprehensive compilation of data which draws*

*on a number of sources from the public sector, academia, non-profit and international organisations - which can be found here:*

*<http://www.women.anz.com/content/dam/Women/Documents/pdf/ANZ-Womens-Report-July-2015.pdf>*

## **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’ concerns that the advertisement presents women as requiring an additional financial advantage given their unequal status to men and is sexist in its portrayal of inequality between men and women.

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 that the advertisement highlights ANZ’s response to what it sees as the financial inequality between men and women and noted that the claims made in the advertisement are based on statistical independent research commissioned by ANZ which showed a 19 per cent pay inequity between men and women.

The Board noted ANZ’s policy decision in response to this research, to pay additional superannuation contributions to their female employees under the ‘special measures’ exception in relevant legislation.

The Board noted that it had previously dismissed a complaint about women being presented as being disadvantaged in the business world and noted in case 0334/15 that:

“The Board noted that the advertiser is presenting validated facts with regards to inequalities between the genders and considered that consistent with its previous determination, the content of an advertisement that highlights and identifies a particular issue of inequality

within the community is not of itself discriminatory”.

The Board considered that the current advertisement highlights the affirmative action taken by the advertiser to assist its female workforce and by highlighting that action the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender.

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 complaint.