



Case Report

1	Case Number	0142/13
2	Advertiser	Ford Motor Co of Aust Ltd
3	Product	Vehicle
4	Type of Advertisement / media	Internet
5	Date of Determination	01/05/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Mental Illness

DESCRIPTION OF THE ADVERTISEMENT

The EcoBoost advertising campaign is called “Believers” and depicts a series of historical examples of great inventors who led the way for many inventions that we take for granted today. The inventors are shown presenting their ideas to their peers who react in a way that demonstrates that they consider the ideas to be farfetched and unbelievable. Fortunately for all of us, the great inventors were not deterred and the EcoBoost TVC celebrates those that believed and achieved. The TVC draws an analogy between the great historical developments and Ford’s development of the EcoBoost engine, one of Ford’s great innovations.

THE COMPLAINT

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

This is mean and unfunny and discriminatory to Australians living with real mental and neurological disorders and intellectual delay. I request an assessment of the AANA code of ethics, especially Section 2.1. This ad is an attack on the human rights of Australians living with real and serious health issues. It harms their dignity, humiliates and damages them and their families. I request that AANA take action to have the ad removed from all media immediately. This type of material is shameful.

THE ADVERTISER’S RESPONSE

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

Two of the complaints (reference no. 0141/13) relate to the television placement of the EcoBoost advertisement and the third complaint (reference no. 0142/13) relates to the online placement of the EcoBoost advertising. Although slightly different in execution, the television placement and the online placement both contain similar content and we will therefore refer to both together in this letter as the EcoBoost TVC.

At the outset, I would like to emphasise that Ford Australia takes seriously its commitment to the AANA Code of Ethics (AANA Code) and the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code) and we are aware of the potential impact that our advertising may have on members of the public.

All of our advertising, including the EcoBoost TVC, is carefully reviewed in that context and is approved by legal counsel. In this instance, we firmly believe that the scenario depicted in the EcoBoost TVC does not breach the AANA Code or the FCAI Code.

The complaints referred to in your letters dated 18 April 2013 allege that the EcoBoost TVC contravenes Section 2.1 of the AANA Code. Section 2.1 provides that "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". The complainants express concern that the EcoBoost TVC, though showing people twirling their fingers next to their head and whistling, is discriminating against people living with mental illness.

You have indicated that the Board will review the EcoBoost TVC in its entirety against section 2 of the AANA Code, and accordingly, our response should address any issues within the EcoBoost TVC that fall broadly within Section 2.

Description of the advertisement

Ford Australia's research suggests that EcoBoost suffers from a major misconception: that a powerful engine has to be big. The objective of the EcoBoost TVC was to build greater awareness of the EcoBoost engine and its ability to deliver powerful performance from a smaller engine and thus achieve improved fuel economy. The EcoBoost advertising campaign is called "Believers" and depicts a series of historical examples of great inventors who led the way for many inventions that we take for granted today. The inventors are shown presenting their ideas to their peers who react in a way that demonstrates that they consider the ideas to be farfetched and unbelievable. Fortunately for all of us, the great inventors were not deterred and the EcoBoost TVC celebrates those that believed and achieved. The TVC draws an analogy between the great historical developments and Ford's development of the EcoBoost engine, one of Ford's great innovations.

The first scene in the EcoBoost TVC depicts the great Leonardo Da Vinci showcasing his latest idea, a flying machine. The actions of Da Vinci's peers demonstrate that they believe his idea is much too farfetched and twirl their finger mimicking the helicopter blades and Leonardo's idea.

The second scene depicts Thomas Edison who is demonstrating his new invention that records sound. The super “Recorded Music” comes up on the screen. The recorded sound is played, however, being in the early stages of development, it doesn’t work as it should. Once again the inventor’s peers demonstrate that they consider the idea to be too unbelievable to work.

The third scene depicts a scientist working in a lab. He demonstrates his idea of a portable telephone by cutting the cord of an ordinary phone. The super “Mobile Phone 1946” comes onto the screen. For a third time our inventor has his idea questioned as it’s just too unbelievable to think a phone could ever work without a cord.

In the final scene of the EcoBoost TVC, we move forward to the present where two men are driving in a Mondeo EcoBoost. The driver explains how fantastic the engine is, offering both powerful performance whilst still keeping fuel consumption low. His passenger begins to twirl his finger at this incomprehensible idea that power and fuel economy can both be found in one engine, but is pleasantly surprised when the driver accelerates and demonstrates the vehicle’s ability. The EcoBoost TVC ends with the super “Ford EcoBoost. Believe it.”

Allegation that advertisement contravenes Section 2.1 of the AANA Code

Ford Australia strongly disagrees with any allegation that the EcoBoost TVC contravenes section 2.1 of the AANA Code by depicting material in a way which discriminates against persons suffering from any form or mental illness or intellectual disability.

As mentioned above, the EcoBoost TVC references great inventions throughout history that we now take for granted today. The creative idea at the heart of the campaign is the presentation of innovators with big ideas who believed that they could achieve great things, no matter how farfetched or unbelievable those ideas may have been at the time of conception. The EcoBoost TVC draws an analogy between the grand ideas and the resulting developments and Ford’s development of the EcoBoost engine, one of our great innovations.

The twirling finger and whistling sound throughout the EcoBoost TVC is used as a creative device to demonstrate that the ideas that the great historical inventors present in the three scenes were, at the time of conception, considered too unbelievable for their peers to fathom. However, as we know, those ideas came to fruition and the great historical inventors believed in themselves and achieved great things. The EcoBoost TVC does not in any way depict persons with mental illness or any other intellectual disability, nor does it include any content that could be considered to vilify or discriminate against members of the community that suffer from such an illness or disability. It is a celebration of the achievements that can be made when big ideas are pursued by the “believers”.

Issues arising under section 2 of the AANA Code or the FCAI Code generally

Ford Australia submits that no issues arise under the FCAI Code or other provisions in section 2 of the AANA Code. The EcoBoost TVC:

(a) does 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 (Section 2.1 of the

AANA Code);

(b) does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (Section 2.2 of the AANA Code);

(c) does not present or portray violence unless it is justifiable in the context of the product or service advertised (Section 2.3 of the AANA Code);

(d) does treat sex, sexuality and nudity with sensitivity to the relevant audience (Section 2.4 of the AANA Code);

(e) does only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) (Section 2.5 of the AANA Code); and

(f) does not depict material contrary to prevailing community standards on health and safety.

As for the FCAI Code, the EcoBoost TVC does not raise issues under this code as it does not depict:

(a) unsafe driving, including reckless and menacing driving that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing with road safety or traffic regulation, if such driving were to occur on a road or road-related area, regardless of where the driving is depicted in the advertisement;

(b) people driving at speeds in excess of speed limits in the relevant jurisdiction in Australia in which the advertisement is published or broadcast;

(c) driving practices or other actions which would, if they were to take place on a road or road-related area, breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast directly dealing with road safety or traffic regulation;

(d) people driving while being apparently fatigued, or under the influence of drugs or alcohol to the extent that such driving practices breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction in which the advertisement is published or broadcast dealing directly with road safety or traffic regulation; or

(e) deliberate and significant environmental damage.

If the ASB considers that any other issues arise under either of the codes, Ford requests the opportunity to be informed of the ASB's views in that regard so that an appropriate response can be made. Ford Australia strongly believes that the EcoBoost TVC does not breach the AANA Code. I trust that this correspondence adequately addresses the concerns raised in the complaints referenced.

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 is offensive and discriminatory towards people who suffer from mental illness.

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

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “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...mental illness...”

The Board noted that the advertisement depicts historical examples of inventions being presented to people who make gestures to indicate they find the inventions to be unlikely to work or be successful. The Board noted that these gestures involve twirling their fingers next to their heads and whistling and that the complainants believe this is humiliating to people who suffer from mental illness.

The Board noted that whilst twirling your finger next to your head and whistling can be interpreted as a reference to a person who suffers from mental impairment or disability the Board considered that in this instance the gesture is being used to mock the inventions and their likelihood to succeed and not to mock mental illness. The Board noted that the overall tone of the advertisement is humorous and considered that most members of the community would consider that the advertisement is not presenting material which is intended to be humiliating to or to discriminate against people who suffer from mental illness.

The Board determined that the material depicted did not discriminate against a section of the community and 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.