



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0143/19
2	Advertiser	ALDI Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Age

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features two older men walking into a room through a doorway. Man 1 bumps his head on the door frame. Man 2 says "I lowered the door frames by two feet just as an epic reminder that ALDI are having their Special Buys." Man 1 responds "Well you can't miss that." Man 2 says "Yeah, precisely." These words are accompanied by the following voice-over: "Turn your doorway into an epic reminder for Saturday."

THE COMPLAINT

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

Inferring older people need a crack in the head to remind them that Aldi is cheap & why would they buy anywhere else- it not only insults the elderly it suggests that they all have Alzheimer's & need a bash on the head to be reminded. An absolute affront for everybody over 50 - obviously made by a young person... the agency needs to try a little harder if they imagine that there target audience is older people - this is not



funny - I have been offended by Aldi ads before - however, this is a complete affront & should be reported to the ministry of the aging...

THE ADVERTISER'S RESPONSE

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

The complaint

The complaint that we are responding to states that the advertisement:

"...infers that old people need a crack in the head to remind them that ALDI is cheap...it not only insults the elderly, it suggests that they all have Alzheimers and need a bash on the head to be reminded. An absolute affront to anyone over 50..."

ALDI response to the complaint

For the reasons set out below, ALDI submits that there is nothing about the advertisement that breaches the AANA Advertiser Code of Ethics (the Code).

Compliance with the Code

While the complainant does not refer expressly to any provision of the Code, ALDI has considered whether the complaint raises concerns with respect to section 2.1 of the Code, which provides that 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 AANA Code of Ethics Practice Note makes clear that for the purposes of the Code, discrimination means "unfair or less favorable treatment", and vilification means "humiliates, intimidates, incites hatred, contempt or ridicule".

The advertisement is light-hearted and humorous. There is no suggestion - implied or otherwise - that either of the two men portrayed have Alzheimer's disease, nor that "old people need a crack on the head" to be reminded of upcoming sales promotion. Nor is there anything in the portrayal of the two men that could reasonably be characterised as amounting to discrimination or vilification within the meaning of section 2.1 of the Code or otherwise. The age of the men featured is irrelevant to the humorous message conveyed by the advertisement; ie that consumers should take extreme measures to ensure that don't forget ALDI's upcoming Special Buys sale.

For the sake of completeness we have also considered other parts of Section 2 of the



Code, as well as the AANA Code for Advertising and Marketing Communications to Children, and consider that the advertisement also complies fully with these provisions.

We respectfully request that the complaint be dismissed.

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 viewed the advertisement and noted the advertiser's response.

The Panel noted that this television advertisement features two older men walking into a room through a doorway. Man 1 bumps his head on the door frame. Man 2 says "I lowered the door frames by two feet just as an epic reminder that ALDI are having their Special Buys." Man 1 responds "Well you can't miss that." Man 2 says "Yeah, precisely." These words are accompanied by the following voice-over: "Turn your doorway into an epic reminder for Saturday."

The Panel noted the complainant's concern that the advertisement is discriminatory towards older people by implying that they have Alzheimer's or need a crack in the head to remember something.

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel considered the advertiser's response that there is no reference to Alzheimer's disease in the advertisement, and that the content of the advertisement is light-hearted and humorous.

The Panel considered that the advertisement used slapstick comedy, and noted that the man does not appear to be injured after hitting his head.

The Panel considered that the storyline of the man lowering his doorframes is one



that could have featured a person of any age with the same effect, and considered that most members of the community would not consider this representation to be discriminatory towards older people.

The Panel considered that the advertisement content did not humiliate, intimidate, incite hatred, contempt or ridicule of elderly people.

The Panel considered that 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 age and determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

