



Case Report

1	Case Number	0145/12
2	Advertiser	iiNet
3	Product	Telecommunications
4	Type of Advertisement / media	TV
5	Date of Determination	24/04/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Disability

DESCRIPTION OF THE ADVERTISEMENT

A man is auditioning in a theatre and is asked by the casting director to portray how he would feel if he had no internet connection. The actor then pulls a face and makes a groaning noise and the casting director mutters, "How did he get in here?"

A female voiceover then says that iinet can connect you faster.

THE COMPLAINT

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

The main iinet character says (as direction to the actor) "You're disconnected" ... "No emails. No gadget news." At the end of the ad he then says under his breath "how did you get in here."

I have a family member who has a disability resulting from an acquired brain injury and have sat with him every night this week watching this advert during the Biggest Loser program on Channel Ten. Each night I feel increasingly upset and disturbed by this broadcast.

This advert portrays people with disabilities specifically brain injury in a manner which is dehumanising and discriminatory and the last line "how did you get in here" clearly indicates that people with disabilities were not welcome in that space.

I wrote to iinet to complain about the advert and received a reply.

I understand that it's not the most important issue in the world and that it came out of ignorance rather than malice but this advert perpetuates a form of discrimination which is very real for many people and broadcasting it is harmful to people affected by disability.

THE ADVERTISER'S RESPONSE

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

The advertisement in question is fictional and depicts an actor at an audition being overly dramatic about the thought of losing access to the Internet. It was never intended to draw parallels with someone suffering a brain injury.

iiNet is a strong supporter of mental health groups and we are thus very sensitive to people with mental health issues. iiNet conducts training for our staff so they can help our customers with these conditions, including brain injuries, more effectively. I would like to assure you that iiNet would never consider communicating in a way that could be interpreted as offensive to people with brain injuries or mental health concerns.

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 complainant's concerns that the advertisement portrays people with disabilities in a dehumanising and discriminatory manner.

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 race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief."

The Board noted it had previously dismissed a similar case (353/10) where it found:

"The Board considered that whilst the mannerisms displayed by the man posing as the Internet could be considered as a reference to a person suffering from a disability, the Board considered that the overall tone of the advertisement was to mock the Internet and its instability and not a person. The Board considered that the actions of the actor are not suggestive of a particular type of disability or mental impairment."

The Board noted that in this instance an actor is asked to portray how he would feel if he didn't have access to the internet for a few days and that his response is to pull faces and make a moaning noise.

The Board noted that the casting director mutters, "how did he get in here?" after the man performs his act. A minority of the Board considered that this statement was in poor taste and gave the impression that people with a disability would not be welcome on the stage. A minority of the Board considered that the actor's portrayal of someone without internet access was too similar to the symptoms displayed by people with disabilities including brain injuries and that the combination of this and the casting director's comments amounted to a depiction which discriminated against people with disability.

The majority of the Board however considered that the most likely interpretation of the casting director's comments is that he is judging the man's acting abilities to be poor and so questioning how he made it through to the auditions. The Board noted that it is made clear through text on screen and through the audition setting of the advertisement that the focus is on an actor portraying emotions regarding no internet access. The Board considered that the advertisement does not portray people with disabilities and does not dehumanise or discriminate against people with disabilities including brain injuries.

The Board considered that the advertisement did not discriminate against or vilify any person or section of the community on account of disability and did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.