



Case Report

1	Case Number	0147/15
2	Advertiser	Maatouks Law Group
3	Product	Professional Service
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	29/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a male voice over saying, "My ex is a lying, cheating psycho so I called Peter" and we see a woman shouting. We then hear a woman's voice saying, "I didn't think I'd get caught so I called Peter" and we see a woman on the ground being arrested by police. A third voice over then says that if you need assistance with any legal matters you can call Peter Maatouk and the contact details appear on screen.

THE COMPLAINT

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

One example had a male voice suggesting that his ex-wife was a "lying, cheating, psycho" so he needed Peters legal services. As a woman and a divorcee I find this extremely offensive. I also work in mental health and to refer to somebody as a psycho is extremely inappropriate. This has not been managed in a sensitive manner and there are lots of other ways to advertise legal services that do not resort to labeling and offensive language.

The current rate of physical and sexual abuse against women is disturbingly high. Many women find it very hard to describe their abuse and many men do not accept that they have been threatening/abusive.

This add refers to a woman as a "lying, cheating, psycho." Firstly, the use of the word psycho

is extremely inappropriate. The message is likely to be distressing to women who have been abused and the message to men is that women who complain about their treatment are "psycho." I have never complained before but this was just too offensive.

THE ADVERTISER'S RESPONSE

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

Firstly we state that being given only 7 days to provide this response is rather onerous on our firm however we have taken the time to quickly address this matter as we believe that it is a non-event and that this complaint is without merit and is not justified.

The TV ad was created and designed by Channel 10 and their agency group called Oxygen 360.

Prior to the release and finalisation of the ad it received full approval from CAD as well as Channel 10's own legal executive committee and free to air TV approval.

This ad does not breach any codes and it is noted that your letter of complaint is generic letter that has a blanket complaint and requires our firm to respond in general. There is no specific complaint or issue raised by you and in fact the very short anonymous online complaint does nothing more than create an issue to have us spend time to reply to a frivolous complaint. If this person was genuine about the complaint they would not have been anonymous, and such a complaint is likely to be from a jealous competitor and not legitimate.

We have had very positive feedback to the ad in question, in fact the predominate response has been from women calling to use our services. In fact the advertising package that we chose with Channel 10 was a dominate women target package, accordingly we would not play an ad that discriminated or insulted women in any way when it was designed to actually assist women with family law problems.

The ad does not in any way refer to violence against women nor does it promote violence against women.

The ad does not discriminate against any gender and the words when listened to in context will be seen that it has nothing to do with women being abused, and the word "psycho" is a slang word used by both genders and refers to the attitude of ex partners when dealing with family law matters and marriage break ups.

This ad is not about violence against any gender and 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.

It does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.

It does not present or portray violence in any way, and even if it did, the context of the services that we offer actually assist in matters of violence for all people, not specific to

women or men.

As stated above, there are no specific complaints given to us for a specific reply, hence we believe that this response shall suffice and that this complaint should be dismissed.

If there is anything more that you would like us to address, please specify same to us.

You are also free to speak to channel 10, Oxygen 360 and CAD to confirm all of the above was approved PRIOR to the ad being aired.

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 refers to the ex-wife as a “psycho” and this is offensive to women. The Board also noted the complainants’ concern that the advertisement also shows a woman being restrained by police which is unnecessarily violent.

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 woman facing the camera yelling as a male voice over says “my ex is a lying, cheating, psycho, so I called Peter.” The advertisement then shows a woman on the ground restrained by police as a female voice says “I didn’t think I’d get caught, so I called Peter.”

A voiceover then describes the service offered by Peter Maatouks legal services and the contact details.

The Board noted the complainants concerns that the reference to the woman being “psycho” is inappropriate and offensive to women and people with mental disabilities.

The Board noted that the term psycho is a colloquial expression used to refer to persons of disagreeable nature, emotion or behaviour rather than to persons actually suffering psychosis.

The Board noted that the reference to the ex-wife being psycho is a derogatory reference intended to indicate that the man considers her behaviour to be extremely unreasonable.

The Board noted that although this is a derogatory reference to the woman, the term “psycho” is being employed to mimic the language or descriptors used by people who access legal services at times such as separation and divorce and that the reference is not a specific reference to the mental state of the person.

The Board noted that there is no reference to, or depiction of any person/s with a mental disability and that there is no suggestion that people with mental disabilities are ‘psycho’ or ‘psychopathic.’

The Board considered that the reference was derogatory but did not amount to a depiction that discriminates against or vilifies a person on account of gender or mental illness and did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.3 of the

Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised". The Board noted that there is a woman shown being arrested/restrained by police and the voiceover saying "I didn't think I'd get caught..."

The Board noted that there is no explanation of what the woman has done in order to lead to her arrest and that the depiction is to emphasise the degree of trouble the woman is in and therefore the need for legal assistance.

The Board noted that the woman is struggling as she is being restrained but that the level of violence is not excessive and in the context of an arrest, the Board considered that the actions of the police are not inappropriately violent.

The Board considered that the portrayal of the woman being arrested is justifiable in the context of the service being advertised and did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.