



# Case Report

1	Case Number	0172/14
2	Advertiser	Specsavers Pty Ltd
3	Product	Professional Service
4	Type of Advertisement / media	TV
5	Date of Determination	28/05/2014
6	DETERMINATION	Dismissed

## ISSUES RAISED

2.1 - Discrimination or Vilification Age

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a short sighted female zumba instructor who runs into what she thinks is her zumba class, yet has accidentally entered a bingo hall where the participants are engaging in a game of bingo. The instructor proceeds with her class, unaware of the error she has made. The participants then join in her zumba class.

## THE COMPLAINT

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

*I see this advertisement as discriminatory in making fun of drab, very old people when they are the exact opposite of the voiceover stating: " I know that I'm sexy!" This advertisement is ridiculing these old folks and should be teaching the youth to respect the aged instead of laughing at them.*

## THE ADVERTISER'S RESPONSE

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

*The TV advertisement in question is one in a series of the long running "Should Have Gone To Specsavers" TV campaign. The campaign encourages people to have their eyes tested in a light hearted way and uses humour to point out the silly things that people do when they can't*

*see clearly.*

*In the particular commercial in question our intention is to draw attention to the poor eyesight of the Zumba teacher in a light hearted way and definitely not make fun of the bingo players. The joke is very much on the Zumba teacher and the audience is encouraged to laugh along at the mistake the Zumba teacher has made.*

*Section 2.1 of the Code states 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”*

*We don’t believe that the advertisement portrays or depicts elderly people in a way that discriminates against them on account of their age on any other account. The focus of the commercial is on the Zumba teacher and the funny mistake that she makes on account of not being able to see clearly. The use of humour is an attempt to capture the imagination of the viewer to have their eyes examined and which creates an overall light hearted approach to the advertisement which in our opinion would offend the average reasonable viewer.*

*Section 2.2 of the Code states that “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people. “*

*The Zumba teacher was specifically cast to wear very conservative gym instructor clothes which we made every effort to ensure would be offensive or seen as sexually provocative or inappropriate. We do not believe that the advertisement employs sexual appeal in an exploitative manner.*

*Section 2.3 of the Code states that “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised. “*

*As there is no violence depicted in the commercial we therefore believe that the advertisement complies with the code in relation to section 2.3.*

*Section 2.4 of the code states that “ Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.”*

*In the creation of this advertisement we have been very sensitive to the treatment of sex, sexuality and nudity. The humorous element of the TV commercial is in no way designed to anything other than be sensitive to the audience. As we previously referred to, the Zumba teacher was specifically cast to wear very conservative gym instructor clothes which we made every effort to ensure would be offensive or seen as sexually provocative or inappropriate. There is no nudity and we do not believe that the advertisement employs sexual appeal at all.*

*Section 2.5 of the Code states that “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*The advertisement uses music in an appropriate way to make fun of the situation that the Zumba teacher has inadvertently found herself in. This song has been played daily on all radio stations and is appropriate for the situation the Zumba teacher would teach a class in .*

*Section 2.6 of the Code of Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*We believe that the commercial in question complies with this aspect of the code.*

## **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 concern that the advertisement pokes fun at the elderly which is discriminatory.

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 short-sighted exercise instructor accidentally giving a Zumba class to a group of elderly people who were gathered to play bingo.

The Board noted it had previously dismissed similar advertisements by the same advertiser in cases 0283/11 and 0213/12 which also featured people making mistakes because they weren’t able to see properly.

The Board noted the complainant’s concerns that the advertisement pokes fun at the elderly. The Board noted that the focus of the advertisement is on the young aerobics teacher making a mistake. The Board noted that the advertisement depicts older people getting up and participating in the Zumba class. The Board considered that while the older people were depicted as being there for Bingo, they are depicted participating in the Zumba class and enjoying it. The Board considered that while the suggestion that older people like Bingo is a stereotype the advertisement portrays a positive depiction of people doing Zumba which is empowering and not demeaning.

The Board considered that the advertisement did not portray or depict material in a way which discriminates or vilifies a section of the community on account of age.

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.

