



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0180/19</b>
<b>2</b>	<b>Advertiser</b>	<b>Specsavers Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Health Products</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>26/06/2019</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- Other Social Values

2.1 - Discrimination or Vilification Gender

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement consists of a voiceover with two female actors, portrayed as friends, discussing a limited time Specsavers promotion for 50% off selected designer frames. The discussion includes one of the female friends telling the other that she will be feigning illness and taking sick leave from work to attend a Specsavers store and view the promotion. After being told the details of the promotion, the other friend then suggests that she too will take sick leave to attend Specsavers and view the promotion. The purpose of the advertisement is to promote that Specsavers, for a limited time, is offering 50% off selected designer frames. The aim of the advertisement is to create urgency for consumers to visit a Specsavers store and make the most of the limited time offer.

## THE COMPLAINT

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





*While I see the humorous side to the ad, in my opinion, it is unethical and a drain on the economy. I believe it costs the economy millions of dollars a year when people call in sick when they are aren't actually sick. I try to live by the motto: Do the right thing because it is the right thing to do.*

*Maybe I'm getting old & grumpy, however, I object to the premise of faking a sick day just to go shopping. As it's a type of medical/health issue, it would be covered by work standards anyway. Far too many people think it's ok to fake sick days to shop, attend events etc. it's wrong. And to encourage that is just irresponsible.*

*Like the truck ad where the police officer pulls someone over to explain why they were speeding & it was because they were going to a truck sale. Then the officer excuses him & speeds off himself. It's just irresponsible & sends a reckless message.*

*I fear that this is the norm & I am a dinosaur, however, I was brought up to be responsible & to earn respect. I have tried to ignore these ads as they are appealing to the cool kids, but it's just silly.*

*"Chucking a sickie" is not a right, it's a strain on the system.*

*Sorry if you feel I've wasted your time with my waffle.*

*Because as a manager they are condoning the dishonesty of using sick days for alternative reasons. As a manager of staff I find this very offensive as this is already a problematic issue in many workplaces around Australia. Advertising and broadcasting it to the nation ales it seem like an acceptable thing to do.*

*This ad is sexist and portrays women as not being as dedicated to their jobs as men are and that they care more about shopping. If it had even been a woman and a man's voice it might not have been as bad, though still poor taste as we hear all the time in the media how much fake sick days cost the Australian economy.*

## **THE ADVERTISER'S RESPONSE**

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

*Further to your letters dated 17 June and subsequent correspondence of 19 June 2019, please find below our response to your letters for due consideration at the Ad Standards Community Panel.*

### **1. A description of the Advertisement**

*The radio advertisement consists of a voiceover with two female actors, portrayed as*



*friends, discussing a limited time Specsavers promotion for 50% off selected designer frames. The discussion includes one of the female friends telling the other that she will be feigning illness and taking sick leave from work to attend a Specsavers store and view the promotion. After being told the details of the promotion, the other friend then suggests that she too will take sick leave to attend Specsavers and view the promotion. The purpose of the advertisement is to promote that Specsavers, for a limited time, is offering 50% off selected designer frames. The aim of the advertisement is to create urgency for consumers to visit a Specsavers store and make the most of the limited time offer.*

*2. A copy of the script*

*Please see enclosed (ref SPS190430AU)*

*3. Details of the CAD reference number(s) and CAD rating (s), as applicable*

*Not Applicable*

*4. Details of our advertising agency and media buyer*

*Creative advertising agency and media buyer details are provided.*

*5. A digital copy of the Advertisement(s)*

*Please see enclosed.*

*6. Response to all parts of Section 2 of the AANA Code of Ethics (“Code”) in relation to complaint reference number 0180/19*

*2.1 - Discrimination or Vilification - Gender*

*As the Code does not define the terms 'discriminates' or 'vilifies' we have adopted the ordinary English meanings. We draw your attention to the following Macquarie Dictionary definitions in the context of this complaint:*

*'vilify': to speak evil of, defame, libel, malign, slander*

*'discriminate': to make a distinction, as in favour of or against a person or thing.*

*We do not believe it can reasonably be said that any aspect of the advertisement portrays people or depicts 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.*

*Specifically, we do not believe there is any discrimination or vilification based on gender in the advertisement as suggested by the complainant. Contrary to the complaint, the advertisement does not portray woman as being less dedicated to their jobs as men or that they care more about shopping, The advertisement does not condone “chucking a sickie” or promote social/ workplace dishonesty.*

*Rather, the advertisement portrays what we believe is a light-hearted conversation*



*between two female friends that is in keeping with the appropriate tone of radio content and community standards. We do not believe this could reasonably be interpreted as a literal attempt to portray or stereotype members of the community according to gender. We therefore believe that the advertisement complies with the Code in relation to Section 2.1.*

#### *2.2 – Exploitative and degrading*

*Section 2.2 of the Code addresses the use of sexual appeal in a manner that is exploitative or degrading. There is no use of sexual appeal in the advertisement. We therefore believe that the advertisement complies with the Code in relation to Section 2.2.*

#### *2.3 – Violence*

*There is no violent content in the commercial. We therefore believe that the advertisement complies with the Code in relation to Section 2.3.*

#### *2.4 – Sex, sexuality and nudity*

*We do not believe there is any reference to sex, sexuality or nudity in the commercial. We therefore believe that the advertisement complies with the Code in relation to Section 2.4.*

#### *2.5 – Language*

*We do not believe there is inappropriate language (having regard to the relevant audience) in the commercial. Whilst the language used by the counterparts in the advertisement suggests that they will feign illness and take time off work to attend the Specsavers promotion, it was in no way intended to be taken as a literal directive to the community to engage in inappropriate, unprofessional behaviour. This is evidenced by the satirical tone and theme of the conversation, which could not reasonably be interpreted as a literal directive to engage in inappropriate or unprofessional behaviour and as mentioned in the complaint in so far as it relates to the workplace. We therefore believe that the advertisement complies with the Code in relation to Section 2.5.*

#### *2.6 – Health and Safety*

*e do not believe the commercial depicts material contrary to prevailing health and safety standards. We therefore believe that the advertisement complies with the Code in relation to Section 2.6.*

#### *2.7 – Distinguishable as advertising*

*We believe the commercial is distinguishable as advertising and as a marketing communication. The Advertisement clearly promotes the fact that Specsavers, for a limited time, is offering 50% off selected designer frames. The aim of the advertisement is to create urgency for consumers to visit a Specsavers store and make*



*the most of this limited time offer. We therefore believe that the advertisement complies with the Code in relation to Section 2.7.*

*Advertising & Marketing Communications to Children Code*

*We believe that the advertisement does not contravene the Advertising & Marketing Communications to Children Code as the advertisement is not directed primarily to Children, having regard to the theme, visuals and language use, directed primarily to Children. In particular:*

*(a) this is an advertisement which is clearly directed to adults; as evidenced by the use of the familiar scenario of working age adults feigning illness to take time off work for an ulterior purpose;*

*(b) the goods promoted (and the associated call to action) are selected designer frames from the adult male and female range;*

*(c) there is nothing in the theme of the advertisement which is directed towards children and the presentation would not appeal to children;*

*(d) the advertisement uses language intended to resonate with adults and is unlikely to capture a child's attention or engage a child; and*

*(e) The advertisement tells stories from an adult perspective and gives adults' reactions. As noted by the Practice Note these are unlikely to be directed primarily to children.*

*Food & Beverages Advertising & Marketing Communications Code*

*The Food and Beverages Advertising and Marketing Communications Code does not apply to the advertisement. The advertisement is not advertising Food or Beverage Products.*

*We trust the above response is sufficient, but in the event you require any further information, please do not hesitate to let me know.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement was sexist and portrayed women as being less dedicated to their jobs, and encourages taking a sick day when one is well, which is unethical and a drain on the economy.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted the complainants' concerns that the advertisement encourages taking a sick day when one is well, which is unethical and a drain on the economy. The Panel considered that unethical or inappropriate behaviour is not an issue which is covered by the terms of the Code, except when such behaviour raises concerns



around health and safety. Accordingly, the Panel was unable to consider this aspect of the complaints.

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 advertisement features two women discussing a Specsavers promotion when one of the women tells the other that she will be feigning illness and taking a sick day. The other woman then suggests that she will also take a sick day in order to attend the promotion.

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 that the scenario in the advertisement was unrealistic and unlikely to be taken seriously by most members of the community.

The Panel considered that the women in the advertisement weren't seen to represent all adult women, rather it was two characters having a conversation about taking a sick day. The Panel considered that the concept of “chucking a sickie” was stereotypical Australian humour and tongue in cheek.

The Panel considered that the humour in the advertisement was from the comment itself, and was not related to the gender of the person making the comment.

The Panel considered that the women were not shown to receive unfair or less favourable treatment, and while they were shown in a potentially negative light, there were not humiliated or ridiculed because of their gender. The Panel considered that the depiction of the women would be unlikely to be considered by most members of the community to incite contempt or ridicule of women in general.

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 gender 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.

