



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0196-20
2. Advertiser :	Lions Eye Institute
3. Product :	Health Products
4. Type of Advertisement/Media :	Radio
5. Date of Determination	24-Jun-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features the sound effects of someone in a swimming pool, and a voice-over stating "This is Swimming. Slowed Down. Because when you wear glasses or contact lenses it's hard to keep up with your full potential." The voice over continues to give information on the advertised service.

THE COMPLAINT

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

I take particular offence to an advertiser implying that people who wear glasses or contacts can't reach their potential in swimming or sports because of their vision impairment.

THE ADVERTISER'S RESPONSE

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

Synopsis:



1. The Ad does not breach the AANA Code of Ethics; Section 2.1 which prohibits the portrayal of 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.

1.1 The Ad does not discriminate against a person with a vision impairment (and or/sensory illness) on the basis of unfair or less favorable treatment, nor does it vilify, humiliate, intimidate, incite hatred, show contempt or ridicule a person with a vision impairment (and or/sensory illness).

1.2 Consideration has been given to any further breach against Section 2 of the AANA Code of Ethics:

- No breach - Section 2.2 - Exploitative or degrading*
- No breach - Section 2.3 – Violence*
- No breach - Section 2.4 - Sex, sexuality and nudity*
- No breach - Section 2.5 – Language*
- No breach - Section 2.6 - Health and safety*
- No breach - Section 2.7 - Distinguishable as advertising*

Particulars:

The intent of the Ad is to address the concerns of people who wear glasses and contact lenses and enjoy swimming. Having laser eye surgery to improve unaided vision, without glasses or contact lenses, can be extremely helpful for people who swim.

The concern is related to the difficulty experienced in swimming and needing vision aids such as glasses or contact lenses. This includes seeing clearly and keeping track of and not damaging glasses or contact lenses. Other concerns include, sight threatening complications as a result of an infection that can attach to contact lenses from possible harmful bacteria in the water.

Description of the advertisement:

The Ad speaks to the particulars (referenced above) highlighting that it is difficult to swim with vision aids. This is where the Ad uses sound effects of someone swimming laps of pool at slow motion speed.

The Ad goes on to suggest that without vision aids such as glasses and contact lenses a person might be more comfortable swimming and is therefore swimming at a faster speed. Once again this speaks to the particulars (referenced above). For example, a person would not be in a position of needing to keep track of ensuring they didn't damage glasses or contact lenses.

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 noted the complainant's concern that the advertisement suggests that people with vision impairments cannot reach their full potential.

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

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.

Disability – a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness"

The Panel noted that poor eyesight is a physical impairment and considered that this would fall within the definition of disability for the purposes of this matter.

The Panel considered that the advertisement references how swimming may be more difficult for those with poor eyesight, i.e make it difficult to reach their full potential due to the need to wear glasses or contact lenses when participating in water based activities.

The Panel noted that glasses cannot be worn when swimming, and noted that there is increased difficulty in either wearing contact lenses, or swimming without sight assistance. The Panel considered that the advertisement does not suggest that those with vision impairment are less capable swimmers or are unable to swim with people who have good eyesight, only that it may be more difficult for them as a result of the need for extra eyewear protection.

The Panel considered that the advertisement indicated that a person may be able to swim better if the person could see better, but the advertisement was not implying that a person without sound vision was not capable of swimming to a high standard.

The Panel considered that the advertisement does not depict people with vision impairment to receive unfair or less favourable treatment, and does not humiliate, intimidate or incite hatred, contempt or ridicule of people with vision impairments.

The Panel considered that the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of disability.



The Panel 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 complaint.