



**ADVERTISING  
STANDARDS  
BOARD**

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## Case Report

<b>1</b>	<b>Case Number</b>	<b>0207/17</b>
<b>2</b>	<b>Advertiser</b>	<b>Motley Fool Australia</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Email</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/05/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

A regular, free, subscription-only e-letter (email) called Motley Fool Take Stock. It is not an advertisement per se, but a commentary and opinion piece about investing, and the stock market.

### THE COMPLAINT

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

*The email and article has a subject of "Shall I slit my wrists now?" It references suicide. It is available to an incredibly broad audience (the whole internet, in fact). Apart from being in incredibly poor taste, it could result in a potentially negative outcome if it went to somebody who was actually suffering from severed depression. It is highly inappropriate.*

### THE ADVERTISER'S RESPONSE

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

*The Motley Fool is a financial services company dedicated to helping the world invest better. Our mission is to help the individual investor build wealth and attain financial freedom over the long term. We do this through our paid and free content. As our name would suggest, The Motley Fool often takes a humorous and cheeky approach in our writings to try to convey our message that the best path to wealth is investing (and remaining invested) in the stock market.*

*That was our intent when we published our regular Take Stock e-letter on 19 April 2017 (a copy of which is also submitted with this response). On reflection, we realize that the phrase was inappropriate and unnecessary. It was certainly not our intention to take the subject of suicide lightly and the purpose of the message was in fact one of encouragement- even when some publications were spelling out doom and gloom for investors, there can be a benefit to staying invested during turbulent markets. Still, the context in which it was presented could have been taken as to violate Section 2.6's mandate not to "depict material contrary to Prevailing Community Standards on health and safety."*

*Please note that our Take Stock e-letter is a subscription product that is emailed to subscribers (and not an advertisement per se). We nonetheless take this complaint very seriously. As a subscription product, the audience for this email had to subscribe in order to receive the content, or click through to a link in the email. Thus, we disagree with the audience being defined as "the whole internet."*

*Because this was an email sent several weeks ago, we unfortunately have no way to recall the original message. We have, however, edited the version that appears on our website in article form to exclude the offending phrase. This edit was made on 20 April 2017. You can find the edited version of the article in question here:*

*<http://www.fool.com.au/2017/04/19/even-warren-buffett-has-bad-days/>.*

## **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 references suicide and is in poor taste.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that the email promotion is an email message of the "Take Stock e-letter on 19 April 2017 sent to subscribers only. The Board noted that the heading of the article reads "Shall I slit my wrists now?"

The Board noted the advertiser's response that they had edited the version that appears on their website but were unable to recall the version sent to subscribers.

The Board noted the complainant's concern that the advertisement/publication could result in a potentially negative outcome if it went to someone suffering from depression.

The Board noted that the publication is for a financial services company and is an email publication to members about financial advice and information. The Board noted that the issue of finances and money is a topic that can cause stress for many members of the community.

The Board agreed that the term "slit my wrists," is commonly recognised as a reference to a method of suicide and the issue of suicide is an issue of serious community concern.

A minority of the Board considered that the use of the term "shall I slit my wrists" has become an over the top expression and a melodramatic response to something bad that happens. The Board considered that members of the community would recognise this type of play on words.

The majority of the Board however, felt that in light of the serious matter of financial security the use of terminology that refers to slitting wrists ie: suicide or attempted suicide, is a negative promotion and could be received by members of the community as a negative option to help deal with financial stress.

The majority of the Board considered that the promotion is not intended to create fear but that the reference to suicide is strong and that making light of this serious topic in a financial context is a depiction against prevailing community standards on health and safety including mental health.

Overall the Board considered that the advertisement did depict material contrary to Prevailing Community Standards on health and safety and determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach section 2.6 of the Cod, the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

As stated in our initial response, we have modified the language, and removed the offending phrase. Again, we apologise to those offended.

