



**Ad Standards** Community Panel  
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Ad Standards Limited  
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## Case Report

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| <b>1. Case Number :</b>                 | <b>0246-21</b>                           |
| <b>2. Advertiser :</b>                  | <b>Mood Tea</b>                          |
| <b>3. Product :</b>                     | <b>Food/Bev Groceries</b>                |
| <b>4. Type of Advertisement/Media :</b> | <b>TV - Free to Air</b>                  |
| <b>5. Date of Determination</b>         | <b>8-Sep-2021</b>                        |
| <b>6. DETERMINATION :</b>               | <b>Upheld – Modified or Discontinued</b> |

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.6 Health and Safety

### WARNING

This case report includes references to suicide which some people may find distressing.

If you need to talk to someone you can reach out for help by contacting Lifeline on 13 11 14.

### DESCRIPTION OF ADVERTISEMENT

There are four versions of this television advertisement.

The first version features two men sitting cross legged on the ground facing each other, drinking tea and having a conversation. The music and room have a Japanese style. Their voices have been replaced with children's voices. The first man says, "I started having these anxiety attacks a few years ago when I was like nine."

The other man responds, "I had no idea".

The first man says, "It's just that people look at you and think you're just too young or something."

The second man says, "I actually had a mate on a football team who took his own life."

The first man responds, "I'm so sorry, it's important to get help early, hey?"

The second man says, "I'm glad you did".

The words "All profits from Mood Tea help save young lives" appear on screen.



The second version is a fifteen second cut-down of the first version. It starts with the one man saying, "A mate of mine in my football team took his own life".  
The other man responds, "I'm so sorry, it's really important to get help, hey?"  
The words "All profits from Mood Tea help save young lives" appear on screen.

The third version of the advertisement feature two women dressed as though they are in the 19th century, sitting on a lounge pouring and drinking tea while having a conversation. Their voices have been replaced with children's voices. The first woman says, "I was a victim of cyber bullying at my school."  
The second woman responds, "what?"  
The first woman says, "A boy in my class put my photos and my name on the internet."  
The second woman says, "That's so bad".  
The first woman says, "the worst part was I couldn't escape it. Like, even in my own home. I kept on getting these horrible emails and texts from randoms."  
The second woman says, "But you know it's not your fault, right?"  
The first woman says, "I do now."  
The words "All profits from Mood Tea help save young lives" appear on screen.

The fourth version is a fifteen second cut-down of the third version. The first woman says, "I was a victim of cyber bullying at my school."  
The second woman responds, "what?"  
The first woman says, "yeah, I felt so ashamed".  
The second woman says, "But you know it's not your fault, right?"  
The first woman says, "I do now."  
The words "All profits from Mood Tea help save young lives" appear on screen.

## **THE COMPLAINT**

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

*Hi,*

*This ad is really dangerous and I am amazed it has been allowed on tv.*

*The ad is a child's voice talking and their friend killing themselves by suicide.*

*It then displays a screen with a product for tea.*

*I am a former journalist and whenever we did a broadcast that mentioned suicide we would add the call numbers for where people can get help if they are suicidal.*

*Instead this ad implies that drinking tea is the solution as funds will go to a charity or something.*

*The ad should not talk about suicide, especially in a kids voice, and not provide any clear info on where people can get help. This ad can easily trigger suicidal people to kill themselves. That's why in journalism we always add the lifeline etc numbers after suicide is mentioned.*

*It makes fun of people with these types of mental problems and having faced bullying. It is also sexist and seems to rather depict women as ditsy debutants who can't help*



*themselves and men as repressed, masculine warriors that are forced to keep their emotions bottled up. It plays to stereotypes and the micro sized text at the end stating to actual message of raising funds to support those affected by bullying or anxiety is lost in the negativity conjured by the advertising imagery.*

*The ad is irresponsible in the way it blindsides viewers. The company may be donating funds to suicide prevention but the ad is triggering and actually provides no mention of support services.*

*I lost my brother to suicide and I've never seen anything so offensive and irresponsible.*

### **THE ADVERTISER'S RESPONSE**

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

*MOOD Tea exists to help prevent youth suicide with 100% of profits funding mental health charities for young people.*

*Mental wellbeing is a sensitive topic, even more so when it involves children. In order to support youth suicide prevention, this campaign aims to encourage young people and their families and peers to have, what often can feel like, difficult conversations.*

*This campaign is a first of its kind, bringing the entire industry together to create an informative, interesting, and above all effective campaign to support MOOD's mission. Our key message is to promote and normalise help-seeking behaviour and highlight that recovery is possible.*

*To address the severity and currency of the mental health crisis, MOOD has navigated the challenges of discussing potentially triggering topics and protecting the identities of real Aussie kids all whilst following mental wellbeing best practices. This has been done following guidelines set out by Mindframe, and complies with all Advertising Standards regulations.*

*With regard to the comment in complaint "This ad can easily trigger suicidal people to kill themselves." We sought expert advice on the fact that talking about suicide does not encourage people to take their own life. In our press release at the launch of the campaign Dr Liz Scott, Associate Professor at Sydney University highlights "Talking about thoughts of self-harm and suicide is tough but helps young people find the care that they need to survive and thrive."*

*With reference to the impact MOOD is having for our charity partners Nic Brown, CEO at batyr also provided comment in our launch press release saying; "It's so important to reach more young people across Australia with stories of hope and resilience, empowering them to reach out for support when they need it, as well as providing the tools they need to better look after themselves and each other."*



*“Thanks to MOOD and the funding received so far, batyr has been able to deliver two batyr@school programs to 228 students in Warnervale on NSW’s Central Coast, an area known for disproportionately higher rates of psychological distress and suicide when compared to the rest of the state. With their ongoing support, we can make even more impact and continue to equip young people with the skills to take charge of their mental health, to look out for their mates, and change the conversation around mental health.”*

*We received CAD approval for Anxiety & Depression 15 and 30 Rated P  
We received CAD approval for Cyber Bullying 15 and 30 Rated W*

*Throughout the creative development we consulted with government agency Mindframe and received the below feedback on the ads:*

*“It’s a fantastic campaign. Loved them. And they sit well within the Mindframe guidelines.*

*Tea ceremony ad (Anxiety & Depression)  
Uses person-centred non-stigmatising language  
Highlights recovery is possible  
Promotes and normalises help-seeking behaviour  
De-stigmatises talking about suicide  
Frames suicide as a tragic and avoidable loss*

*High tea ad (Cyber Bullying)  
Uses person-centred non-stigmatising language  
Highlights recovery is possible  
Promotes and normalises help-seeking behaviour  
(though not Mindframe) removed guilt/blame from the victim of bullying*

*You should be very proud – it’s an informative, interesting, and fun campaign”*

*In light of the complaint received “The ad should not talk about suicide, especially in a kids voice, and not provide any clear info on where people can get help...That’s why in journalism we always add the lifeline etc numbers after suicide is mentioned.” We have sought advice and The Monkeys (our creative agency) are working on including help line information in the ad to provide further support and information for viewers. Our mission is to help prevent youth suicide and we are always looking for ways to improve the way we can do that throughout our business.*

*In relation to the complaint around the ads playing to stereotypes, the ads were created to depict movie scenes from well known tea drinking scenes. Great consideration was taken to ensure we were appealing to the audiences for which the issues discussed are relevant. These two categories are young men suffering anxiety and depression and feeling a stigma around speaking out. And young girls who are vulnerable to online bullying. The stories used were taken from real experiences and*



*the voices represented the genders of the people who experience the issues. We are an inclusive, diverse organisation and strongly advocate for smashing the stigma around mental health.*

*The advertisements are not directed at children but are able to be viewed by children. One has a P rating, and one has a W rating. The product is primarily directed to adults not children. No nutritional claims are made in the advertisement. Placement of the TVC has been based on the CAD rating of each advertisement. The media agency managing the campaign (OMD) has re-iterated to all networks that the commercial is not placed in any programming that may be child specific moving forwards even if the CAD rating allows it to run there.*

## **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:

- Is sexist as it depicts women as ditsy debutants who can't help themselves and men as repressed, masculine warriors that are forced to keep their emotions bottled up.
- Is offensive and irresponsible in its references to suicide, and could be potentially triggering for people who are suicidal.
- Does not provide appropriate referrals for people to seek help.

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

**Section 2.1: Advertising or Marketing Communication 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.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological difference.

The Panel noted the Practice Note for this section of the Code states:

*"Harmful gender stereotypes are unacceptable because they perpetuate unconscious bias and rigid norms of femininity and masculinity that shape what it means to be a girl, woman, boy or man...Advertisements for services or activities only available to one gender are legally able to be advertised and*



*highlighting this key feature in advertising does not amount to discrimination or vilification.”*

The Panel considered that advertisers should take care when producing advertisements that characteristics referred to in advertising should not be negatively associated with a particular gender.

The Panel noted the complainants’ concerns that the advertisement is sexist as it depicts women as ditsy debutants who can't help themselves and men as repressed, masculine warriors that are forced to keep their emotions bottled up.

The Panel noted the advertiser’s response that the advertisements reflected famous tea-drinking scenes in movies, and that the genders had been cast to reflect the issues of cyber bullying and youth suicide which were of concern to each gender.

The Panel considered that the men and women were in separate advertisements, and there was nothing in either advertisement which suggested that the women were ditsy, or the men were not capable of talking about their feelings. In fact, the Panel noted that in each instance the people in the advertisement were having clear and open discussions about mental health issues. The Panel considered that the advertisements did not depict negative gender stereotypes.

### **Section 2.1 conclusion**

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.

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

The Panel noted the complainants’ concerns that the advertisement is offensive and irresponsible in its references to suicide, could be potentially triggering for people who are suicidal and does not provide appropriate referrals for people to seek help.

The Panel noted that only the first and second versions of the advertisement featured a reference to suicide.

The Panel noted that there is an increased sensitivity in the community at the moment due to the rising rates of mental health issues and suicide in Australia.

The Panel considered that the advertisements were calling attention to important issues and that the overall message of the advertisement is that people should seek help for mental health issues and that mental health issues can be openly discussed with friends.



However, the Panel considered that there is a community expectation that when suicide is mentioned in the media it should include information on where people can get help.

The Panel considered that best practice would be to include contact information for Lifeline, Kids Helpline or similar when suicide is mentioned, particularly in an advertisement which is likely to be seen by children and young people.

The Panel noted the advertiser's response that they are looking into editing the advertisement to include information on where people can get help, and considered if these changes are made the advertisement is likely to meet community standards.

The Panel determined that versions one and two of the advertisement, which currently do not have information on where people can get help, would be contrary to Prevailing Community Standards on health and safety.

#### **Section 2.6 conclusion**

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

#### **Conclusion**

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaints.

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

This is to confirm that the creative agency, are currently revising the content of both TVCs to include the Lifeline helpline number. Once creative has been dispatched this week and relevant approvals gained, the media agency will then ensure all publishers replace the existing TVCs with the new version.