



Case Report

1	Case Number	0297/15
2	Advertiser	Westpac Banking Corporation
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/08/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Mental Illness
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features lots of people in various situations finding themselves without cash or a card at the point of needing to pay for something. The advertisement then describes the “get cash” function of the Westpac Live App giving users the ability to access cash immediately without a debit card.

THE COMPLAINT

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

*There is an older lady and she looks in her bag and can't find her card then she mouths the f***. Word not necessary.*

I am suffering from a mental illness and they make a lot of reference to people act mad/nuts which offends me and hurts.

THE ADVERTISER'S RESPONSE

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

Westpac acknowledges receipt of the complaint relating to the discrimination or vilification mental illness.

The complaint states that they believe that the ad is

- 1) "offence" and "hurtful" due to the "reference to people acting mad/ nuts"*
- 2) "inappropriate use of language"*

Westpac values the feedback and opinions from all viewers of its advertising and goes to great length to ensure that its advertisements do not discriminate against any class or individuals. It is certainly not our intention to cause offence.

On this occasion Westpac strongly refutes that the advertisement portrays people 'acting mad/ nuts' or in any way teases or makes fun of people with a mental illness. The scenarios we have purposefully chosen are everyday situations; at the checkout of a shop, at the boom gate of a car park. These situations demonstrate the frustration experienced when one realises they've lost their wallet or don't have their wallet with them. The actors cast in these roles are displaying the annoyance and irritation the situation has caused, they have simply lost their patience.

Regarding the complaint of inappropriate language by our older lady; in the vision we see the character rummaging through her bag to discover that she doesn't have her wallet with her. She is so frustrated with herself she is seen mouthing her own name in admonishment - "Phyllis!"

I can confirm that there is no offensive language used in the TVC and we believe this is reflected by the General 'G' classification obtained by CAD.

Both the creative advertising agency (DDB) and Westpac are strong supporters of self-regulation and the AANA Codes of Ethics.

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 complainants' concern that the advertisement features a woman mouthing the 'f' word and makes references to people acting mad which is offensive to people who suffer from mental health issues.

The Board reviewed 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 that this television advertisement features people in various different situations that find themselves without cash or a card at the point of needing to pay for something. The advertisement then describes the "get cash" function of the Westpac Live App giving users the ability to access cash immediately without a debit card.

The Board noted the complainant's concern that the advertisement makes reference to people acting mad/nuts. The Board noted that it had previously considered an advertisement for an online travel company (0048/14) depicting a man acting in a manner that was erratic and peculiar and that the behaviour could be likened to behaviour displayed by people suffering certain types of mental illness.

In that case the Board considered that "in the context of the service and in combination with the actions of the man, the use of the term "crazy" is a reference to the concept of someone behaving strangely due to sleep deprivation and confusion and frustration at not knowing what the best deal is."

In the current advertisement the Board noted that the actors are seen acting in erratic ways but that the advertisement is clear in its depiction that the behaviour is due to frustration and irritation with not having money available to them or not having their purse or wallet. The Board considered that the situations the people are in are realistic scenarios that many people have found themselves in and that the actions displayed are realistic and are not intended to cause offense or an association with mental illness.

The Board noted that there is a genuine community concern and sensitivity toward people with, and people affected by mental illness. The Board considered that in the current case, the advertisement was not being insensitive in its portrayal of people who are clearly affected by frustration and concern about not being able to pay for their goods or service.

The Board 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 mental illness.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "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 Board noted that in one scene in the advertisement we see a woman reacting to having forgotten her bank card and she begins to mouth a word. The Board noted the complainant's concern that this word appears to be the 'f' word.

The Board noted the advertiser's response that the woman is mouthing her own name "Phyllis" out of frustration with herself for not having her purse. The Board considered that there is no volume to the spoken word, and it is not clear exactly what she does say. The Board noted that the 'f' word could likely be used in this situation out of frustration but considered that the word is not clearly heard and is in any case not directed at any person and that the woman's actions do seem to be genuinely an act of frustration with herself and/or the situation she is in.

The Board determined that the advertisement did not use language that was inappropriate in the circumstances and did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.