



Case Report

1	Case Number	0306/10
2	Advertiser	Jim Beam Brands Australia Pty Ltd
3	Product	Alcohol
4	Type of Advertisement / media	Radio
5	Date of Determination	14/07/2010
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.1 - Discrimination or Vilification Disability

DESCRIPTION OF THE ADVERTISEMENT

The ad is a 30 second radio spot supporting 'The Pay rise', a Jim Beam promotion offering the chance to win a 'pay rise' via specially marked packs. The ad features a young man who attempts to impress his boss with a series of over the top comments including "love the comb over"; his plan to work harder "staying back late, all year", and concluding with dating the bosses daughter - 'the bigger one, the one with a limp and a bung eye.'

THE COMPLAINT

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

I find the connotation of marrying the 'other' daughter (the one with the disability) as offensive - like what a sacrifice he would make in order to curry favour with his boss. It is offensive to people with disabilities. It is offensive for the 'other' daughter as the consolation prize and no one had to make a sacrifice in order to marry a person with a disability. This advertisement depicts females who are less than 'perfect' as being of no worth. It is disgraceful and degrading and projects people with disabilities in a very negative light. Maybe the young man who is trying to ingratiate himself to his boss could work harder in order to get a pay rise.

THE ADVERTISER'S RESPONSE

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

From our perspective, the focus of the ad revolves around the young man saying what he thinks his boss wants to hear. The line: “ ... and use your lips for drinking ... instead of kissing you know what” supports this argument.

The young man compliments his boss on his appearance “love the comb over”; he exaggerates his plans for working harder “staying back late, all year”, and believes he can ingratiate himself with his boss (and get paid more) by marrying his daughter. This is a pre-tense that has been used in countless fictional scenarios before, both dramatic and comedic. The young man believes that because the boss’ daughter does not fit society’s prescribed definition of attractiveness, he feels that marrying her will put her in a better position with his boss. The ad in no way seeks to marginalize or belittle any person with a disability. The examples used by the young man are colloquial and vernacular in nature; designed to be taken in a light-hearted nature supporting the rest of the exaggerated context of the ad. There is no suggestion that a person suffering from a disability is in any way lesser to an able bodied person. In our opinion, this parody, and the language used falls within standards generally accepted by the community today.

It must also be noted that the media channel chosen suits the type of humour used. The programming environments in which the spot has been deliberately placed employ humour - often less than politically correct – as a major part of their formats, so we have not tried to be ‘out of context’ and provocative.

Secondly by the time the complainant heard the ad the campaign had been on air for two weeks. At that stage the ad would have reached 285,000 men 18-29 (our target) and considerably more people if you look at a broader demographic – and no complaints had been received – so clearly the vast majority took the humour in the spirit with which it was intended.

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 is offensive to people with disabilities by projecting people with disabilities in a very negative light.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications 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 ... disability”.

The Board considered that the advertisement is intended to be an exaggerated and comical depiction of a person being nice to his boss to get a pay rise. However the Board considered that the reference to dating the boss's daughter was made in association with a number of other actions of the man that were undesirable. The reference to the daughter is therefore made in a way that suggests that women who are overweight, have only one leg or have impaired eyesight are unattractive and undesirable. While the advertisement is intended to be humorous, the Board considered that the advertisement did depict a woman's disabilities as being unattractive and negative traits. In the Board's view this reference amounted to a negative depiction of people with a disability. The Board determined that the advertisement did depict material in a way that discriminates against a person or section of the community on account of a disability and breaches section 2.1 of the Code.

Finding that the advertisement breached the Code the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

Following the decision to uphold the complaint on our JB Pay rise ad, we removed this from radio last week and replaced it with another in the series which has not had any consumers concerns.