



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0307-20</b>
<b>2. Advertiser :</b>	<b>Athena</b>
<b>3. Product :</b>	<b>Finance/Investment</b>
<b>4. Type of Advertisement/Media :</b>	<b>Radio</b>
<b>5. Date of Determination</b>	<b>21-Oct-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This radio advertisement has two versions.

The 30 second version features the voiceover:

Athena Call Centre: Welcome to Athena Home Loans

Caller: Yeah, hi! I'm interested in refinancing. But I don't wanna get stuck paying any unnecessary fees!

Athena Call Centre: Well... we don't ha...

Caller: Oh here we go! Yep the spiel, Here we bloody GO! I knew it was too good to be true!!

Caller: Karen, Karen – I told you it was all BS

Athena Call Centre: (continues)... we don't have any fees for you to pay.

Caller: None?

Athena Call Centre: Maybe put Karen on..

Caller: I'll go grab her.... Karen

Athena VO: Switch at athena.com.au and we'll give you zero fees to help you pay off your home loan faster.It's why you'll love us and leave us.

The 45 second version features the voiceover:



Athena Call Centre: Welcome to Athena Home Loans  
Caller: Yeah, hi! I'm interested in refinancing But I don't wanna get stuck paying any unnecessary fees!  
Athena Call Centre: OK sure, I'm here to help.  
Caller: Pffft, that's what they all say. Will you slash my fees?  
Athena Call Centre: Well... we don't ha...  
Caller: Oh ok here we go, here's the spiel Heard it all before  
Caller: Karen , karen – I told you it was all BS  
Athena Call Centre: (continues)... we don't have any fees for you to pay.  
Caller: None?  
Athena Call Centre: No.  
Caller: That's only during these uncertain times though, right?  
Athena Call Centre: No, during any times!  
Caller: During any times? No fees.  
Athena Call Centre: Yeah  
Caller: Wow!  
Athena Call Centre: Karen was probably right, wasn't she?  
Caller: Karen's always right, Karen....  
Athena VO: Switch at athena.com.au and we'll do what we always do. Offer home loans with zero fees to help you pay off your home loan faster. It's why you'll love us and leave us.

### **THE COMPLAINT**

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

*I have heard this ad a few times and each time it feels me leaving physically unwell. The person in the ad is aggressive, swears and condescending to the person they are talking too. At a time where in Melbourne, Victoria especially we are living with an unprecedented increase in mental health illness and an increase in domestic violence and anti-social behaviour. I believe it is irresponsible and harmful to our community to use advertising to promote such hostile and aggressive behaviour to a person who is ostensibly 'just doing their job'. I also believe that to permit this sort of advertising to be broadcast continues to promulgate the acceptance of violent and aggressive behaviour toward women in our community is not only okay but should be treated as a normal 'part of doing business'.*

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

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

*Please find below and in the attached the full scripts and recording of the radio ads that are subject to this complaint. There is a 30 second version and a 45 second version. I was unsure which one the person was referring to, so I have included both.*



*The radio ads were written based on the very strong insight that home loan customers expect and often get angry about the fact they are duped by home loan lenders. Customers are used to being stung with hidden fees and charges that they were not made aware of, and they don't trust any home loan providers to be honest or on their side.*

*This is the exact perception that Athena is trying to change in the industry. Our marketing material exemplifies to customers that we do what we say, we are honest and transparent and truly on the customers' side.*

*This particular script was born out of a research group where savvy customers say they call home loan providers with an expectation of having the wool pulled over their eyes or for the provider to not be fully transparent. We depict this same attitude we have seen in research groups at the beginning of the ad as customers often think our proposition is too good to be true!*

*We purposefully balance the ad with the customer sounding fed up at the start (he has clearly been through several lenders already saying one thing and doing another) with the lighter humour at the end when the call centre lady says "maybe put Karen on" (in the 30 second one) and "Karen is always right" (in the 45 second ad). This ending also draws on the insight that it's mostly women who are the financial purse string holders in the household.*

*Athena does in fact offer a home loan rate with no fees.*

*We feel the balance of emotion in the ad is a true reflection of how fed up home loan owners are with unscrupulous providers and well balanced with a bit of humour on the end to say, "Karen knows best".*

*The woman playing the Athena representative is not perturbed, the male customer does not continue in an annoyed manner once he realises the Athena proposition is true. I strongly feel that the ad is well balanced in terms of reflecting a true customer insight and reflecting a conversation that is typical with other lenders.*

*Above all, I consider myself to be a staunch feminist and would never, ever consider doing an advert that I felt in any way portrayed women in a derogatory light. This would not only be against our brand but my own personal values and morals.*

*In response to Section 2 o the AANA Code of Ethics:*

*2.1 – Discrimination or vilification: I do not believe this ad discriminates against women in anyway. The script is non gender specific and customer at the end of the phone quickly changes once they realise that the Athena proposition is true as well as admitting that "Karen is always right" which is a nod to saying that "women are often right"*



*2.2 - Exploitative or degrading: I don't believe the advert is exploitative or degrading for all the reasons given above.*

*2.3 Violence: There is zero reference to violence in the advert. Customers can get annoyed or frustrated without depicting violence. The ad does not refer to any violent acts*

*2.4: Sex, sexuality and nudity: There is zero reference to anything sexual or to do with gender in the advert.*

*2.5: Language: There was no inappropriate use of language in the context of the advert that you do not hear on the radio on an everyday basis. The customer does use the word "bloody" which by law is not considered a swear word or profane and exists in several adverts.*

*2.6 Health & Safety: There is nothing in the advert that is contrary to health and safety guidelines.*

*2.7 Distinguishable as advertising: Given the reference to Athena Home Loans at the very start of the advert and strong call to action at the end this is very clearly an advertisement.*

## **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 concerns that:

- The person in the advertisement is aggressive, condescending and swears at the woman they are talking to.
- It promulgates the acceptance of violent and aggressive behaviour towards women.
- It is irresponsible and harmful to show such hostile and aggressive behaviours towards a person "just doing their job".

The Panel viewed 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.”

The Panel noted the complainant’s concern that the advertisement depicts a woman being yelled at by a man in an aggressive and violent manner.

The Panel considered that while the man in the advertisement does appear frustrated and speaks to the woman in an unhappy tone, there is no suggestion that his attitude is related to the woman’s gender and he makes no reference to her gender. The Panel considered that his frustration is directed at the company rather than the person on the phone.

The Panel noted that the woman on the phone remains polite and positive during the interaction and considered that both the woman on the phone and the man’s partner are depicted in a positive manner.

The Panel considered that the advertisement does not treat either woman mentioned in the advertisement in a manner which is unfair or less favourable on account of their gender. The Panel considered that the advertisement does not humiliate, intimidate or incite hatred, contempt or ridicule of the women on account of their gender.

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.

The Panel considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Panel noted the complainant’s concern that the advertisement promulgates the acceptance of violent and aggressive behaviour towards women.

The Panel noted the advertiser’s response that customers can get annoyed or frustrated without depicting violence.

The Panel acknowledged that violence towards women is a serious issue and is not limited to just physical violence, but can also include verbal or emotional abuse. However, in this advertisement the Panel considered that the man raises his voice towards the woman in a frustrated rather than aggressive tone, and there is no indication that she feels abused, threatened or hurt by the man’s actions. The Panel noted the advertiser’s response that the advertisement depicts a common scenario where customers become annoyed and frustrated when they feel they are being duped by home loan lenders.



The Panel considered that there is no indication in the advertisement that the man's tone is an ongoing behaviour or that he is physically violent. The Panel considered that a single act of becoming frustrated when speaking to a customer service representative does not constitute the promotion or encouragement of abuse towards women.

The Panel considered that the interpretation that the advertisement promotes the acceptance of violence towards women is unlikely to be shared by most members of the community. The Panel determined that the advertisement did not breach section 2.3 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.