



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0319/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Crazy John's</b>
<b>3</b>	<b>Product</b>	<b>Mobile Phone/SMS</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Poster</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/07/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Disability

### DESCRIPTION OF THE ADVERTISEMENT

Cartoon of a man's head: his eyes are focused in opposite directions, he has one tooth, and his tongue is hanging out of his mouth. Above him is the text "Recharge today!!!" and then the words "and get huge value" appear in a speech bubble coming from the man. Below the speech bubble it says "Crazy John's" and then at the bottom of the poster it says "Available at Crazy John's" followed by contact details of the store in question.

### THE COMPLAINT

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

*I take enormous umbrage at the depiction of a mentally ill person as a drooling crosseyed imbecile.*

*I am aware that a similar complaint was dealt with in 2001 but I would hope that 9 years on we live in a some what more enlightened world.*

*I draw your attention to the AANA Code of Ethics Section 2, 2.1 Shall not portray people in a way which pilifies a person or section of the community on account of disability.*

*As such I consider the Crazy John Mascot as an image which does vilify a section of the community. This type of image reinforces many misconceptions about mental illness and makes it harder for suffers of these illnesses to overcome the many prejudices they already encounter.*

*I would like to see this mascot removed from Crazy Johns advertising and in turn removed from The Company's Logo.*

## **THE ADVERTISER'S RESPONSE**

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

*The complaint alleges that the promotion of mobile phones using the image of an insane mascot is a breach of section 2.1 of the AANA Code of Ethics (Code).*

*As stated above, the complainant does not specifically identify the poster advertisement that is the subject of this complaint. It is therefore difficult to speak directly to the specific context of the advertisement which has led to the current complaint being made. That said, we submit broadly that any advertising materials containing the mascot comply with the provisions of the Code and in particular section 2.1 of the Code.*

*Section 2.1 of the Code provides that advertisements 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, sex, age, sexual preference, religion, disability or political belief.*

*As noted by the complainant, the Advertising Standards Board has previously considered whether advertising featuring the Crazy John mascot character breaches section 2.1 of the Advertiser Code of Ethics. The Board determined that the content of the advertisement "did not constitute discrimination/vilification under the Code" and dismissed the complaint (see the case report for Complainant Reference Number 230/01).*

*The Crazy John mascot is a well known and humorous cartoon like character which has formed part of the Crazy John brand for a number of years. It is in no way intended to discriminate against or vilify a person or section of the community on any basis including on account of disability.*

*Since September 2001 there have been no complaints to the Board (excepting the current complaint) in relation to the mascot. It is our submission that the community at large see the mascot as a light-hearted and humorous character which supports the Crazy John branding. This view is consistent with our branding strategy and use of the mascot in the advertising of our products and services. It is certainly not intended to vilify or discriminate any person or section of the community.*

*In the absence of any information identifying the specific poster advertisement that is the subject of this complaint, along with the reasons stated above, and consistent with its earlier decision Complainant Reference Number 230/01, Crazy John's submits that this complaint should also be dismissed by the Board. We also refer you below to our summary of current status in relation to the use of the mascot in Crazy John advertising in further support of our position.*

### *Current status*

*We wish to draw to the attention of the Board our current re-branding activities which may have the effect of dealing with some of the concerns raised by the current complaint as a practical matter. It is worth noting the following in relation to the use of the Crazy John mascot as part of our current business activities:*

- o Crazy John's has not used the mascot for several months in its posters;*
- o any Crazy John's posters featuring the mascot that are remaining in circulation are not current;*

- o some of the mass market channels that distribute Crazy John's products may still have posters featuring the mascot. However these posters are being phased out;*
- o in the last few months Crazy John's has refreshed its brand and the mascot will no longer appear as part of Crazy John's future advertising; and*
- o Crazy John's is taking steps to remove all images of the mascot from its shop signage and stationery.*

*These activities are consistent with Crazy John's current rebranding strategy. Whilst part of a separate rebranding activity Crazy John's considers that it is already taking steps to deliver the outcome that the complainant is seeking. In saying that, however, Crazy John's in no way accepts that the mascot vilifies or discriminates any person or section of the community or that its use in any Crazy John's advertising is in any way a breach of the Code and in particular section 2.1. The proposed removal of the mascot from Crazy John's advertising is simply part of these rebranding activities.*

## **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 advertiser’s mascot unreasonably depicted a mentally ill person.

The Board reviewed the advertisement and noted the advertiser’s response. The Board noted in particular the advertiser’s broader rebranding strategy that will remove this mascot from all future marketing.

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 noted the cartoon style of the advertisement and the fact that the image of the man is one which is commonly used in cartoon imagery. The Board noted that the image is used in conjunction with the brand name 'Crazy John's' which is meant to suggest that the advertiser has very low prices for its products - so low that the company must be 'crazy' to offer them. The Board considered the name of the advertiser and the image that accompanies it is most likely to be understood by the community as a reference to low prices and not as a reference to people with a mental illness. For these reasons, the Board considered that the advertisement did not discriminate or vilify a person or section of the community on account of disability. The Board determined that the advertisement did not breach section 2.1 of the Code.

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

