



Case Report

1	Case Number	0354/15
2	Advertiser	Freedom Aged Care
3	Product	Professional Service
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/09/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The 30sec commercial includes various scenes of older Australians in different scenarios, including Estel in the boxing ring, Joyce in a Jacuzzi with two handsome men, Alan getting a tattoo in a tattoo parlour, Eric and his friends playing instruments in a band, Claude with his dog on a motorbike, Doug and Jan cuddling and kissing in the back seat of a car, Margaret and Shirley on a water ride, people at a birthday celebration, people in the kitchen, Gertie with a care, and they are all singing along to a 'Give me freedom' song.

THE COMPLAINT

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

It is really poor taste! Ad to that extremely bad lip synching..... Hopefully sales for their aged care homes will go way down and they will realise not to poke fun our ageing population....

THE ADVERTISER'S RESPONSE

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

Thank you for bringing to our attention the complaint about our current 'Give me Freedom' 30 second television commercial.

This commercial represents everything that Freedom Aged Care is, we give our Freedom family, our residents that live in our communities the freedom to do what they want when they want and be who they are, have fun and receive the care that they need on their ageing journey.

We always include our Freedom Aged Care residents in everything we do and encourage their input as well, every person you see throughout this commercial is part of the Freedom family and were happy and excited to be part of these scenes and commercial.

With regards to the complaints with regards to the following codes;

- *2.1 Discrimination or vilification*

At Freedom Aged Care we certainly do not discriminate in any way shape or form. We completely embrace and love our residents and each person agreed to be part of this commercial.

- *2.2 Exploitative and degrading*

At Freedom Aged Care we certainly do not discriminate in any way shape or form. We completely embrace and love our residents. The people shown in our commercial are older and this is what they like to do, so we do not exploit or degrade our freedom family.

- *2.3 Violence*

- *2.4 Sex, sexuality and nudity*

If this is referring to the lady sitting in the jacuzzi with the two young men, this is just a playful choice and what people need to wear when they sit in a jacuzzi or go swimming. This scene of an older lady having a good time is not sexual at all.

If this is referring to our couple who are sitting on the back seat having a cuddle and a kiss on the cheek and on the lips, this is what people in love do.

- *2.5 Language*

- *2.6 Health and Safety*

We understand that people in the community may not be used to seeing older Australians having real fun and doing different things. Our society and mainstream media do not showcase or portray older Australians doing anything fun, because they are forgotten about and not seen as an important part of our everyday society. This commercial is to completely turn this representation around, as older Australians in their eighties, still do what they want, when they want and they can have that choice and Freedom when they live at Freedom Aged Care or anywhere in our society.

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’ concerns that the advertisement features scenes of older people lip synching very badly and mocks the older generation.

The Board viewed 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 older men and women singing to a song with lyrics that state “give me freedom.” The images include a woman in a spa with two younger men on either side, a man getting a tattoo, a group playing instruments in a band and a couple in the back of a car kissing. The final image is of an older lady in a wheel chair holding some cards and waving. There is a female staff member from the facility with her. The words appear on screen “Freedom Aged Care – what’s life without

freedom?”

The Board noted that the images in the advertisement are intended to present a link with the words of the song. Examples include: “don’t give me rules I must obey, cause I won’t heed them”

“don’t take my choices away cause I need them”

“don’t tell me how to live my life for any reason”

“Just give me freedom, give me freedom, give me freedom.”

The Board noted that the overall theme of the advertisement is about meeting the needs of the aged care facility residents and considered that the images shown and the lip synching is not intended to be negative but to highlight that older people are still people and still want their own freedom to do things that interest them.

The Board acknowledged that some members of the community might find the tone of the advertisement patronising but considered that overall the advertisement does not depict material which discriminates against or vilifies a person or section of the community on account of their age.

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 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted in particular the scene that shows a couple in the back of a car kissing. The lyrics at this point say “don’t make us live apart, cause we’re together.” The Board noted that the couple are kissing tenderly but considered that they are only kissing, they are fully clothed and there is no suggestion of any further intimacy in a public setting. The Board considered that most members of the community would not find this style of kissing to be inappropriate or overtly sexualised.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

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