



Case Report

1	Case Number	0389/15
2	Advertiser	Bank of Western Australia Ltd (Bankwest)
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	14/10/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features John McEnroe and a Bankwest colleague in a Bankwest store, having a verbal rally about how easy or difficult it is to find a Home Loan deal while a group of customers look on. Once they have finished they shake hands and the on-screen text reads, "With a Bankwest Home Loan Specialist, switching to our super low rate is seriously easy".

THE COMPLAINT

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

The ad with John McEnroe is offensive. Please take it off. He is aggressive and rude to the female bank employee, as he was as a tennis player, and his aggression is being condoned. Because it features male aggression as acceptable.

Violence towards women in Australia has resulted in the deaths of over 60 women already this year. Whilst John McEnroe isn't physically violent towards the lady in the advert he is loud and abusive in his manner. I feel very strongly that this is not the kind of behaviour that should appear to be acceptable in any circumstances in a TV advert. I also feel that this is an unacceptable example of bullying.

THE ADVERTISER'S RESPONSE

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

Bankwest abhors violence against women and is concerned that the complainant has interpreted the John McEnroe advertisement in the manner outlined in the complaint.

We have reviewed the advertisement in detail and make the following observations:

- Being difficult and argumentative is John McEnroe's "brand". We think the community understands that he has been chosen to appear in the advertisement, as when he is in brand-mode, he is a very difficult customer. The scenario in the advertisement plays to those behaviours and with humour and Katie's calm behaviour, Bankwest turns McEnroe's potentially poor customer experience into a good one.*
- Katie, the Bankwest staff member, remains cool, calm and collected in dealing with McEnroe. While McEnroe is certainly frustrated with banks and expresses those frustrations, he does not abuse Katie in any way and is not threatening to Katie. Katie at no time behaves as someone who is frightened or being bullied. At the end of the 'rally/match' Katie and McEnroe shake hands, demonstrating good sportsmanship.*
- The scenario in the advertisement is obviously "over the top" and staged to resemble two participants in a tennis match. We do not think the community would consider the advertisement as an attempt to resemble a realistic situation.*
- In all of the above circumstances, Bankwest does not consider that the advertisement depicts material that is contrary to prevailing community standards on health and safety as outlined in the complaint.*
- Further we do not consider that the advertisement breaches any other part of the code.*

Bankwest trusts the above explanation is sufficient for the Advertising Standards Bureau to respond to the complaint.

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 depicts a public figure with well-known anger management issues verbally abusing a young woman in a manner which is bullying and not appropriate in light of current community concerns around domestic violence.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising

or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that this television advertisement features the tennis player, John McEnroe, engaging in a verbal rally with a female Bankwest employee about how easy or difficult it is to find a home loan deal.

The Board noted that many members of the community would be familiar with John McEnroe’s on-court persona and his temper tantrums. The Board noted the advertiser’s response that John had been chosen for this reason as he would be instantly recognisable as a ‘difficult customer’ and the set-up is styled to mimic a tennis court rally.

The Board noted that throughout the verbal exchange between John and the female employee no physical contact is made and the female employee appears calm and smiling. The Board noted that John’s anger is directed towards the product and not the person. The Board noted that John and the employee shake hands at the end of the verbal exchange and considered that there was no suggestion of violence or bullying in the advertisement but rather that a difficult customer has been explained how easy a product is to use and has accepted this explanation.

The Board noted that there is significant community concern around the issue of domestic violence but considered in this instance the advertisement did not depict, encourage or condone verbal bullying or intimidation in any form.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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