



Case Report

1	Case Number	0404/10
2	Advertiser	Combe International
3	Product	Toiletries
4	Type of Advertisement / media	TV
5	Date of Determination	22/09/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Age

DESCRIPTION OF THE ADVERTISEMENT

Two people are talking about two men, one with grey hair, one without. They discuss that they need the "energy" of one of the men, but also the fact that the other person has more "experience". A voice over then says that you can get the best of both worlds and the heads of the two men blend together. A Men's Haircoloring product - Touch of Grey - is shown with a voice over saying that the product allows you to "comb away a little grey without getting rid of it all". The commercial ends with one of the original people saying to the man "I've got big plans for you"

THE COMPLAINT

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

This is an ad that insinuates that people with grey hair (old) have no energy. This is a misrepresentation of older people and is offensive. The concept portrayed is that older people have to look younger to get a job. This is discrimination against age.

THE ADVERTISER'S RESPONSE

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

Combe seeks to portray characters and situations in its advertisements in a manner that is realistic because believability is a prerequisite for consumers.

Facts can be somewhat untidy when it comes to job searches, but the reality remains that employers are very particular when screening candidates. As a result, candidates have to cast themselves in the most favourable light when presenting themselves for a job opening. If one types the words "job search tips" into the Google search engine, there are in excess of 172,000 hits. There are countless articles and blogs that encourage applicants to lose weight, shower, shave, dress appropriately, enunciate, eliminate stammering, be punctual, use light cologne or perfume, shine shoes, brush teeth, smile, be prepared, colour hair, and so forth. These and other rules can be found online, in libraries, in bookstores, in the media, and posted on job placement bulletin boards throughout Australia. Combe did not invent these rules and, if these rules are unfair to some people, that can hardly be blamed on Combe and its marketing team.

The commercial in question depicts a greying man as having more experience and a non-greying man as having more energy. In short, each applicant has an advantage over the other; the use of the TOUCH OF GREY product results in an applicant with experience and energy.

Because experience and energy are each valuable qualifications, it is difficult to give any credence to a complaint that suggests that the greying person who is depicted is singularly at a disadvantage.

In fact, each person has an asset and each person has a deficit.

Neither person is said to be "old".

In fact, in real life it would be entirely possible for the greying man to be the younger of the two applicants.

When broad-stroked allegations of discrimination are made, reality sometimes is swept away. In other words, the complaint that has been received by the Advertising Standards Bureau is itself based on a stereotypical fallacy. Grey hair is not an "old person's" problem.

Quite to the contrary, men and women often begin the greying process in their mid-thirties. And, there are some individuals who are in their sixties and seventies who show almost no sign of greying.

Hence, one can imagine a situation in which a man in his early thirties uses Combe's TOUCH OF GREY product to eliminate greying so as to better compete with non-greying men in their forties and fifties who are being considered for the same job opening.

There might be other situations in which a recruiter will see grey hair as an asset as it might suggest more experience, and that recruiter might subconsciously overlook younger men, believing them to be novices. In other words, these situations are far more complex than is presented by the complainant.

The fact remains that grey hair is a fixable problem, and Combe and its competitors strive to make their hair-colouring products available around the world to address these needs.

Television commercials often depict men and women colouring their hair to become more attractive to their spouses or dates, to look younger at a wedding or reunion, or to find a job. If one tries hard enough, one can find discrimination and unfairness in all of life's twist and turns, but the fact remains that hair that shows colour projects youthfulness, vitality, availability, and attractiveness.

Combe did not create grey hair to sell products, it already existed. And, Combe should not be accused of discrimination by filling a human need such as grey hair anymore than weight loss clinics should be similarly accused by virtue of programs that are sold to reduce kilos on the overweight.

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 insinuates that people with grey hair have no energy and is discriminatory towards age.

The Board viewed 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 ... age...”

The Board noted that the advertisement featured two men at a job interview: the man with grey hair is referred to as having experience and the man with dark hair is referred to as having energy.

The Board considered that this advertisement could be interpreted in a number of ways. The Board considered that members of the community, including the complainant, could interpret this advertisement as giving the message that people with grey hair (suggestive of older people) have no energy. Equally though the advertisement could be taken to suggest that young people have no experience.

The Board considered that age discrimination is a serious issue which advertisers should be sensitive to, and some members of the Board expressed concern over the implied message of this advertisement. However the majority of the Board considered that the different interpretations that could be taken from the advertisement meant that this advertisement did not discriminate or vilify older or younger men.

Based on the above, the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of their age.

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.

