



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0404-19
2. Advertiser :	Kennards Hire
3. Product :	House Goods Services
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	11-Dec-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement opens on a man sitting in an office chair. The advertisement is intercut with scenes of this man up a ladder painting his house. Man: "It was a Sunday, just a regular Sunday, I was at home doing a bit of DIY, so I'm up the ladder reaching out, there's a spot, I can't reach it... it's laughing at me, taunting me... I can't get it out of my head".

We cut back to the office scene and we see our man is talking to our Kennards employee

Employee: It's OK. I think a 5.8m scissor lift with an extending deck will sort you out. Cut to Tim on a scissor lift slowly rising up towards the unpainted patch. As he rises, he laughs victoriously.

THE COMPLAINT

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

This advert is making a parody of mental health issues and it is not appropriate. This mimicry/mockery, while attempting to be humorous, is insensitive to people suffering from PTSD and other related traumas who may be currently seeking therapy.



THE ADVERTISER'S RESPONSE

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

The below response addresses our evaluation of section 2 of the AANA Advertiser Code of Ethics. We have addressed all areas within section 2 with a focus on the specific complaint section of 2.1.

The insight and cultural truth that underpins our creative concept is around the critical role that Kennards Hire plays in DIY or construction jobs. No individual has the capacity or skills to take on every task alone, but with a support network that they can count on, the individual can achieve their potential.

The brand role that this work aspires to deliver is the enabler and our manifesto for this is "the enabler is the trusted partner supporting your ambition; We make your job better, less stressful, less complicated, more efficient and safer. We help you get your job done.'

Australian culture celebrates those who 'give it a go' but aren't afraid to ask for help when they realise, they have reached their limits. We wanted to show this cultural behaviour but demonstrate it in a humorous way to connect emotionally to our audience whilst still demonstrating the rational role we play.

2.1 Advertising of Marketing Communication 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

In our opinion our commercial does not vilify or discriminate a section of the community. Instead it demonstrates the enablement that can be achieved through a support network that you can count on.

According to the definitions of vilify and discriminate (detailed below), we are not expressing unpleasant things or treating differently people who are not able to achieve a DIY job in isolation.

Instead we have focused on a way to engage through humour showing how in control you can feel with the right support.

Discriminate definition: 'To treat a person or particular group of people differently, especially in a worse way from the way in which you treat other people, because of their skin colour, sex, sexuality, etc.' Cambridge Online Dictionary.

Vilify definition: 'To say or write unpleasant things about someone or something, in order to cause other people to have a bad opinion of them.' Cambridge Online Dictionary.



*2.2 Advertising or Marketing Communication shall not employ sexual appeal: a) where images of Minors, or people who appear to be Minors, are used; or b) in a manner which is exploitative or degrading of any individual or group of people.
We can see no areas that don't comply with the standard outlined in 2.2.*

*2.3 Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised.
We can see no areas that don't comply with the standard outlined in 2.3.*

*2.4 Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience.
We can see no areas that don't comply with the standard outlined in 2.4.*

*2.5 Advertising or Marketing Communication shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.
We can see no areas that don't comply with the standard outlined in 2.5.*

*2.6 Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety.
Our Workplace Health and Safety team collaborated closely through the production of the commercial (and all our advertising) to ensure we are compliant with workplace safety standards across Australia and New Zealand.*

*2.7 Advertising or Marketing Communication shall be clearly distinguishable as such to the relevant audience.
We can see no areas that don't comply with the standard outlined in 2.7.*

In summary, it has not been our intention to vilify or discriminate any segment of the community. We wanted to bring to the life and connect with the hard working and independent traits of the Australian DIYer. Showing them, they have support to achieve their potential.

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 concern that the advertisement is making a parody of mental health issues and is inappropriate.

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 that although the scenario in the advertisement may be considered by some members of the community to be similar to a therapists office scenario, a reference to a person seeing a psychiatrist does not of itself constitute discrimination or vilification.

The Panel considered that the advertisement sets up a scene which suggests briefly that the person is talking to someone for help. However the advertisement makes it clear quite quickly that the person is talking to a hire company about painting equipment. The Panel considered that there is not strong suggestion about mental health or psychiatric disorders. The Panel also noted that it is clear that one of the men is a employee of Kennards Hire as he is wearing his branded shirt and that the advertisement has a clear conclusion.

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 mental illness 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 2.6 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 Panel noted that the man in the advertisement is depicted very high up on a ladder and was not wearing any securing harness or similar. The Panel considered that the whacking motion as he tries to paint the house could cause instability in the ladder.

The Panel considered that the intent of the advertisement was to showcase that more appropriate equipment could be hired from Kennards Hire to make such a project safer and more accessible. The Panel considered that the advertisement was not condoning or encouraging unsafe behaviour as it was demonstrating a clear solution to the behaviour depicted in the advertisement.

The Panel considered that most members of the broader community would likely recognise the intent of the advertisement and would not consider the advertisement



to be depicting material contrary to Prevailing Community Standards on health and safety.

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