



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0420/10</b>
<b>2</b>	<b>Advertiser</b>	<b>Australian Education Union</b>
<b>3</b>	<b>Product</b>	<b>Education</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/10/2010</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Other

### DESCRIPTION OF THE ADVERTISEMENT

A teacher speaks about a number of students in her class, and their different needs in terms of education.

The teacher makes the case that if the class size was smaller, then she would have more time to spend with each individual student, and that each student would then be better able to be educated according to his or her specific needs. For one of the students, the teacher comments, "Dominic is not engaged. He needs a broader choice of vocational subjects to develop skills that will lead to an apprenticeship."

The following text then appears on screen : "www.myschoolneeds.com.au"

### THE COMPLAINT

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

*The comment about the young boy who was not "engaged" in the class and would be an Apprentice gives the false impression that Apprentices and therefore tradesman are unintelligent and did not do well in school.*

*It insinuates that only "dumb" people become Apprentices/tradesmen I find this offensive to Apprentices who have completed year12 and have decided that they would prefer to utilise their physical capabilities as well as their intellect in the workforce, not just become teachers.*

## THE ADVERTISER'S RESPONSE

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

*Section 2.1 of the Advertisers Code of Ethics states that 'advertisements must not portray people in a way which discriminates against or vilifies a person, section of the community on account of race, sexual preference, religion, disability, or political belief'.*

*In regards to the AEU TVC in this complaint, it is the confident conviction of the AEU that this has not occurred.*

*The complaint states that:*

- *The advert claims that the third boy mentioned in the advert, 'Dominic', was depicted as 'not engaged' and would be an apprentice, giving the false impression that Apprentices and therefore tradesmen are unintelligent and did not do well in school.*

- *That the advert insinuates that only dumb people become apprentices/trades-people, which is thought to be offensive to trades-people who have completed Year 12.*

*The advert at no stage states that Dominic is 'dumb', nor does the advert implicitly or explicitly state or imply apprentices or trades people are less intelligent than anyone else, nor is it the view of the union.*

*The complaint's claims can therefore not be substantiated.*

*This advert does not claim that Dominic is anything other than 'disengaged'. Disengaged is not designed to imply that he is less intelligent than anyone. The advert claims Dominic is 'disengaged' for the purpose to make the case that public education requires more funding for resources to ensure that all students, regardless of levels of engagement can receive sufficient attention.*

*At no point is this ad making a claim about the intelligence of various trades or professions, nor the people who conduct them.*

*The ad states that if there were fewer children in the classroom, and there were more subjects available, Dominic may find school more interesting and become more engaged. It also states that Dominic is interested in subjects that would ready him for a Vocational position, and that if school could provide him with more of these types of subjects, he would be more interested.*

*This claim is consistent with the research conducted by the AEU around the needs of students and the concerns of parents and teachers around engagement and individual attention for all students.*

*The only implication that can be made from this is that with more opportunities to become engaged, through 'the widest possible curriculum', Dominic could 'develop vocational skills which could lead to an apprenticeship'.*

*The adverts claims Dominic is 'disengaged' not dumb, and there is an important difference. Someone's level of engagement is not predicated on his or her level of intellectual capacity. The advert also claims that Dominic could be more engaged with more attention, and the choice of subjects that interested him.*

*There is no claim within the ad about Dominic's intelligence, the intelligence or otherwise of apprentices and the intelligence or otherwise of trades-people.*

*This ad makes a claim that all students will be engaged in different areas, and that Dominic will be engaged through subjects that 'could lead to an apprenticeship'. It does not attempt to*

*rank these needs in terms of their pedagogical ‘intelligence’, nor does it attempt to say that some students, or indeed professions, are more intelligent than others.*

*This ad, with respect to the character ‘Dominic’, claims that if we do not have sufficiently low class sizes, and if we don’t have the broadest possible subject choice – then students who are disengaged, will remain disengaged – regardless of their intellectual capacity or career prospects.*

*The Advertising Standards Bureau also suggested that this claim might also infringe Section 2.4 of the AANA Advertiser Code of Ethics in its notification of complaint. However, this section is not applicable as it is designed for adverts targeted at children, which this campaign is not. This campaign’s audiences are parents of students at public schools, and not the children themselves.*

## **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 only people with less intelligence become apprentices or tradesmen.

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 race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief”.

The Board noted that the advertisement features a female teacher discussing how she would like to be able to spend more time with her students to help them learn. The Board noted that this child is described as disengaged and requiring a broader selection of vocational subjects. The Board considered that most people would consider that describing the child as disengaged does not imply he is less intelligent.

The Board considered the specific suggestion that the boy would benefit from pursuing a trade apprenticeship was not an unreasonable assessment of a future career path and was not suggestive of a lower intelligence.

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 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.

