



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0427/18
2	Advertiser	Specsavers Pty Ltd
3	Product	Health Products
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Disability
- 2.3 - Violence Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement starts with a young woman in an interview room looking emotional and teary. Text appears to explain that to show people the true value of their eyes a fictitious medical research company, Vesper Sacs, has been set up and interview subjects asked how much they would sell their eyes for. The advertisement shows the responses from the interviewees and the personal reasons that they need and value their eyesight. The interview subjects watch as the "Vesper Sacs" logo transitions on an iPad to a Specsavers logo and the interviewer reveals that the market research style exercise has in fact been set up by Specsavers to help subjects realise the value of their sight and the importance of eye health and having their eyes checked. The advertisement ends with an encouragement to consumers to "book an eye health check today".

THE COMPLAINT

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





Horrendously offensive and insensitive, especially to those living with impaired vision and the parents of children with no sight.

In my opinion morally corrupt as well as personally offensive.

*My objection is that there are black markets in the world that deal in the buying and selling of body parts - I find it offensive that a company uses such a heinous criminal activity as a legitimate marketing ploy to seemingly scare people about their health. The advert implies that people wouldn't sell their eyes, therefore proving that their eyesight is beyond price. *That is not the reality of how the world works in the case of body parts. The advert is twisted in its logic and scraping the barrel to make a point. I see no value in referring to such a trade in order to just to sell a product (spectacles-glasses). If we allow such advertising, are we now going down the path towards "desensitizing" an abominable concept. Additionally, "creating fake medical research companies" doesn't do legitimate Research any favours - it just devalues "research" in general.*

I am a person who is totally blind. This ad has caused great offence to the blind community. In this ad, the participants are discussing the value of vision, and in so doing, lamenting the tragedy of blindness and all the reasons life would be unbearable if they were to lose their sight. This is insulting to people who are blind or vision impaired, as it implies that their lives are not valuable, and lack meaningful experience. As a person who is blind, I, and my fellow community members, face attitudinal barriers in all areas of life, including gaining employment, accessing services, and accessing information and using technology. We continually fight to have our voices heard, and to convince the wider society to take us seriously, and to see us as active participants in our community, and not objects of pity, and symbols of tragedy and all that is wrong with the human condition. This advertisement does nothing but perpetuate these long held stereotypes, and assists in devaluing all the hard work we do to try and get heard. When contacting Specsavers on Facebook, they simply told our community they did not mean to offend.

I find it disturbing that such a deeply distressing question would be asked of people for any reason. You don't do that to people. Especially for the sake of a commercial. I'm sure people were paid for going in the add but what of those who were put through this deceptive and distressing charade and did not agree to going on air. Even if everyone were paid actors it is a distressing add.

THE ADVERTISER'S RESPONSE

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



A description of the Advertisement(s)

The advertisement starts with a young woman in an interview room looking emotional and teary. Text appears to explain that to show people the true value of their eyes a fictitious medical research company, Vesper Sacs, has been set up and interview subjects asked how much they would sell their eyes for. Music is playing throughout. The advert shows the responses from the interviewees and the personal reasons that they need and value their eyesight. The interview subjects watch as the "Vesper Sacs" logo transitions on an iPad to a Specsavers logo and the interviewer reveals that the market research style exercise has in fact been set up by Specsavers to help subjects realise the value of their sight and the importance of eye health and having their eyes checked. The advertisement ends with an encouragement to consumers to "book an eye health check today".

Details of the CAD reference number(s) and CAD rating (s), as applicable

*CAD number G68B5ROA
CAD Rating G
Date of classification 6 September 2018*

*CAD number G68B6ROA
CAD Rating G
Date of classification 6 September 2018*

*CAD number G68B7ROA
CAD Rating G
Date of classification 6 September 2018*

The "G" CAD rating allows advertisements to be broadcast at any time except during "P" and "C" programs or adjacent to "P" or "C" period.

Response to all parts of Section 2 of the AANA Code of Ethics ("Code")

As requested, below we address all aspects of Section 2 of the Code. In line with your request our response is confined to Section 2.

2.1 – Discrimination or vilification

We do not believe there is any discrimination or vilification on the basis of disability in the advertisement. No person or member of the disabled community is treated unfairly, less favourably or inferior than anyone else. No person or member of the disabled community is humiliated, intimidated or ridiculed, and no person or member of the disabled community is held in contempt or has hatred incited against them. We believe the advertisement complies with the Code in relation to Section 2.1.



A theme of the complaints in relation to the advertisement that has been received by Ad Standards is that the advertisement is considered to be emotive and offensive to those with vision loss as it is said to convey the impression that those with vision loss do not live happy fulfilling and capable lives. We are upset to hear that some viewers who have personal experience of blindness or vision loss are unhappy with our latest campaign. Specsavers works in close collaboration with ophthalmology, glaucoma, diabetes and macular degeneration bodies, with an absolute commitment to reducing preventable vision loss across the Australian community. Together, we believe that no one should have to experience preventable vision loss or blindness. Through this campaign, Specsavers wants to drive awareness on the importance of routine eye tests to save sight. This advertisement is in keeping with other campaigns Specsavers has delivered in Australia in its attempt to raise awareness of eye health and encourage eye testing. By way of example, this has included Specsavers' introduction of free digital retinal photograph (DRP) testing and advertisements promoting DRP as a tool to encourage good eye health.

*The Australian Government estimates vision impairment will emerge as the most prevalent health condition among older people over the coming years as the population ages. In Australia, 50% of Australians with vision loss have an undiagnosed eye condition *(1) . For 90% of these cases, the vision loss is preventable or treatable if it is detected early and the only way to do so is through an eye test *(2).*

*Unlike other age-related degenerative conditions like dementia, alzheimer's, heart disease, arthritis and cancer that get a lot of attention, eye diseases and conditions are not on people's radar and not on the media agenda. Australians are not taking preventative measures to look after their eye health *(3). In the past year, only 1 in 4 Australians visited an optometrist to have their eyes tested *(4).*

Specsavers believe that no Australian should suffer preventable vision loss or blindness. Many treatable eye conditions have no obvious symptoms. We realise that we need to drive social change in Australia and as such are working hard to put eye health on the agenda and encourage people to take care of their eyes.

We wanted to create something powerful and meaningful to get Australians to stop and think about their eye health. Our brand, known for its cheeky communications, created "Vesper Sacs" and asked what price Australians would be put on their sight. The results were unanimous: our eyes are priceless. While other Specsavers advertisements use humour as a primary means of communication, this advertisement does not use humour or make light of the very serious issue of vision loss. Rather the tone is one of seriousness as actors reflect on the emotion and seriousness of vision loss.

We hope that the campaign will shake Australians from their complacent 'she'll be



right' attitude when it comes to eye health, get people talking about their eye health and importantly drive behavioural change. As many treatable eye conditions have no obvious symptoms, Specsavers recommends Australians over 65 have their eye tested yearly and under 65s every two years.

Set against this background, the advertisement is specifically intended to drive awareness on the importance of routine eye tests to save sight and for that reason ends with the encouragement to Australians to book an "eye health check today". Eye tests are not just about getting glasses – it is a vital health check for the health of the eyes and general health detected through the eyes. An eye health check can detect common eye conditions such as glaucoma, macular degeneration, diabetic retinopathy and cataracts. We believe this is a matter of significance for Australians. While some of the complaints express feelings of offence, such feelings by individuals do not mean that the advertisement vilifies the vision impaired. Rather, the advertisement solely seeks to raise community awareness in order to seek to encourage Australians to take steps aimed at preventing the occurrence of preventable vision loss.

2.2 – Exploitative and degrading

Section 2.2 of the Code addresses the use of sexual appeal in a manner that is exploitative or degrading. There is no use of sexual appeal in the advertisement. We therefore believe that the advertisement complies with the Code in relation to Section 2.2.

2.3 – Violence

There is no violence depicted in the commercial. We therefore believe that the advertisement complies with the Code in relation to Section 2.3.

2.4 – Sex, sexuality and nudity

We do not believe there is any sex, sexuality or nudity in the commercial. We therefore believe that the advertisement complies with the Code in relation to Section 2.4.

2.5 – Language

We do not believe there is inappropriate language (having regard to the relevant audience) in the commercial. We therefore believe that the advertisement complies with the Code in relation to Section 2.5.

2.6 – Health and Safety

We do not believe the commercial depicts material contrary to prevailing health and safety standards. We therefore believe that the advertisement complies with the Code



in relation to Section 2.6.

2.7 – Distinguishable as advertising

We believe the commercial is distinguishable as advertising and as a marketing communication. The Specsavers logo is used in the marketing message. The Advertisement is part of Specsavers' mission to transform eye health in Australia. The purpose of the advertising is to promote eye health and drive behavioural change for routine eye tests in Australia. We therefore believe that the advertisement complies with the Code in relation to Section 2.7.

Advertising & Marketing Communications to Children Code

We believe that the advertisement does not contravene the Advertising & Marketing Communications to Children Code as the advertisement is not directed primarily to Children, having regard to the theme, visuals and language use, directed primarily to Children. In particular:

- (a) this is an advertisement which is clearly directed to adults and features only adults;*
- (b) the service promoted (and the associated call to action) is an eye health check, which is only available to adults, or performed on children at the direction of their adult parent or guardian;*
- (c) there is nothing in the theme or imagery of the advertisement which is directed towards children and the presentation of that theme and imagery in a serious and almost sombre context would not appeal to children;*
- (d) the advertisement uses language which is adult like and is unlikely to capture a child's attention or engage a child; and*
- (e) The advertisement tells stories from an adult perspective and gives adults' reactions. As noted by the Practice Note these are unlikely to be directed primarily to children.*

Food & Beverages Advertising & Marketing Communications Code

The Food and Beverages Advertising and Marketing Communications Code does not apply to the advertisement. The advertisement is not advertising Food or Beverage Products.

We trust the above response is sufficient, but in the event you require any further information, please do not hesitate to let me know.



**(1) Centre for Eye Research Australia and Vision 2020 Australia, 2016, The National Eye Health Survey 2016, available at www.vision2020australia.org.au/uploads/resource/250/National-Eye-Health-Survey_Full-Report_FINAL.pdf (last accessed 18 May 2018) *(2) Vision 2020 and Centre for Eye Research Australia, 2016, The National Eye Health Survey 2016 *(3) Nature Research 2018 *(4) FY18 Medicare Data including all eye tests excluding subsequent consultation*

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 viewed the advertisement and noted the advertiser's response.

The Panel noted that this television advertisement features a description of how a fake research company was set up and participants were asked how much they would sell their eyes for. The participants are depicted as indicating that their eyesight is priceless and the researcher reveals that she is actually from Specsavers and encourages consumers to get their eyes checked because of the importance of good eye health.

The Panel first noted the complainants' concerns that setting up a fake research company is unethical, devalues legitimate research and is potentially emotionally damaging to participants.

The Panel considered that these issues do not fall within Section 2 of the Code and therefore it could not consider these complaints.

The Panel then considered the complainants' concerns that the advertisement is discriminatory towards people with a disability.

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 complainant's concern that the advertisement discriminates against people with vision impairments by implying that they are less than people without vision impairments.

The Panel noted the advertiser's response that the aim of the campaign is designed to



drive awareness around the importance of routine eye tests to save sights and that the advertisement does not vilify or discriminate against the vision impaired.

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 they had previously considered similar complaints about an advertisement for hearing aids in case 0233/15. In this case, which identifies the Panel as the former Advertising Standards Board (the Board):

“The Board considered that linking the word ‘ugly’ to a product used by people with hearing disabilities does incite contempt or ridicule as it suggests that people who wear traditional hearing aids, either by choice or by necessity, are wearing something which is ugly and this is likely to cause offense and distress. The Board noted the advertiser’s intent was to promote an alternative hearing aid product but considered that the overall message of the advertisement is vilifying of a person or section of the community on account of disability.”

A minority of the Panel considered that phrases such as ‘the thought of never seeing my partner’s face again’ and ‘I can’t I have a family’ would be distressing to people with vision loss and comments that eyesight is priceless could be interpreted as implying that people with vision issues are worth less than people without.

A minority of the Panel considered that the advertisement clearly showed less-favourable treatment of people with visual impairments.

The majority of the Panel considered that they were sympathetic to complainants, however considered that the advertisement does not make any direct references to people who are blind or who have a vision impairment but rather emphasises the importance of good eye health.

The majority of the Panel considered that the overall message of the advertisement was that eye health is important, and considered that this is not a message that in itself could be shown to depict people with vision impairment receiving unfair or less favourable treatment.

The majority of the Panel considered that the advertisement content did not humiliate, intimidate, incite hatred, contempt or ridicule of people with vision impairment.

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 disability and determined that the advertisement did not breach Section 2.1 of the Code

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

