



## Case Report

1	Case Number	0443/16
2	Advertiser	OPSM Pty Ltd
3	Product	Health Products
4	Type of Advertisement / media	Internet
5	Date of Determination	26/10/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.6 - Health and Safety Bullying (non violent)
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

This video advertisement is the OPSM #IAM4EYES campaign video advertisement published on the internet. It opens with the statement, "Bullying is a huge issue in Australia. 1 in 4 kids is a victim". We then see images of different children wearing different types of glasses and the text on screen says, "Kids with glasses are easy targets" and we see a definition of 'four eyes' on screen, described as an insult to people who wear glasses. We then see images of children wearing glasses with the hashtag IAM4EYES.

### THE COMPLAINT

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

*I object to the suggestions of the ad. That a child without a particular brand of glasses will be bullied. Bullying is a very topical topic and many parents are understandably concerned for their children's welfare however they shouldn't be essentially blackmailed into purchasing OPSM glasses. Furthermore there is no evidence that having OPSM glasses will prevent a child from being bullied; this ad may even worsen the situation for children without designer glasses. It seems overly irresponsible.*

### THE ADVERTISER'S RESPONSE

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

*OPSM Pty Ltd – Complaint 0443/16*

#### *Introduction and overview*

*We appreciate the opportunity to respond to the complaint made in relation to the OPSM video commercial which is the subject of Complaint 0443/16 (“OPSM video advertisement”) and thank you for extending the time for response until today. Luxottica Retail Australia Pty Limited (“Luxottica”) operates OPSM stores in Australia – kindly note that there is no “OPSM Pty Ltd” which is the corporate addressee of the Advertising Standard Bureau’s letter.*

*We note that an anonymous complaint has been made about the OPSM video advertisement on the basis of an alleged breach of clause 2.6 of the AANA Advertiser Code of Ethics which relevantly provides that Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

#### *Background to the OPSM video advertisement*

*The OPSM video advertisement can be viewed at the following locations:*

- *via a link on the OPSM website: [www.opsm.com.au](http://www.opsm.com.au)*
- *OPSM’s YouTube channel.*

*Until 19 October 2016, the OPSM video advertisement was viewable on the Mamamia website: [www.mamamia.com.au](http://www.mamamia.com.au), a blog site primarily directed to adult women.*

*Luxottica instructed m2m media agency (OMD Australia) to negotiate and buy media support for the OPSM video advertisement with the [mamamia.com.au](http://mamamia.com.au) content website, which was the only paid medium used for the campaign. This has now concluded and there is no further paid media commitment for the OPSM video advertisement.*

*The OPSM video advertisement has not been shown on free-to-air television; accordingly there is no CAD number allocated.*

#### *Description of OPSM video advertisement*

*The OPSM video advertisement can be viewed via a link on the OPSM website: [www.opsm.com.au](http://www.opsm.com.au). The OPSM website is primarily directed to adults and it would be unusual for a child to be browsing the site. The box on the OPSM website says “We want kids to wear their glasses with pride Learn more”.*

*Before the OPSM video advertisement can be viewed, the reader is presented with the following statement:*

*The OPSM #IAM4EYES campaign is designed to redefine the "Four Eyes" schoolyard taunt and give kids the confidence to wear their glasses with pride. Let’s flip the stigma attached to*

wearing glasses and use #IAM4EYES to celebrate an individual's strengths, not the weakness usually associated with the taunt 'Four Eyes'. To show your support, please share the below video on your social media channel using #IAM4EYES.

The hashtag #IAM4EYES is a dual meaning phrase:

- I am for eyes, similar to OPSM's Loves Eyes icons, a brand positioning used by OPSM for the past 5 years (see heart and eye icons at top right hand corner of the screen shot above)
- I am four eyes (a person wearing glasses).

The OPSM video advertisement opens with a number of text statements, which can be seen from the attached script for the OPSM video advertisement. The statements include:

- Bullying is a huge issue in Australia
- 1 in 4 kids is a victim
- Bullied kids are 3x more likely to suffer depression
- And up to 9x more likely to have suicidal thoughts
- Bullying forces us to conform, To lose our voice
- Why does OPSM care?
- Kids with glasses are easy targets.

There is then a text "Top Definition of Four Eyes - a stupid insult to people who wear glasses, which makes no sense at all followed by the following words:

Townie: Hey four eyes, I'm gonna cut u up!

Guy with glasses: And why would that be?

Townie: Coz u got four eyes, idiot!

Guy with glasses: Count again retard and you'll find I have two!

At OPSM, we believe every child should be allowed to find their own unique voice".

The video then depicts a number of children talking to camera about wearing glasses:

- Someone's being mean if they call me four eyes
- And everyone thinks like if you wear glasses you're like nerdy
- They are probably just jealous, 'cause you're pretty
- You're like a klutz, or like a nerd
- You shouldn't care of what people say you should just wear them if you feel good in them
- Four eyes is cool
- Call me four eyes, I am a winner!

The video then shows more text statements, which can be seen from the attached script for the OPSM video advertisement. The statements include:

- Let's give kids confidence to wear their glasses with pride
- Reverse the perceptions kids have of 'Four Eyes'
- Empowering children

Next a series of still photos appear interspersed with the text phrases set out below:

- Weak not strong
- Ugly, nope pretty

- *Nerdy, nope cool*
- *Give kids a forum to find their voice*
- *#Iam4eyes.*

*The children speak in their own voices and tell their real life stories of how they have coped with bullying in the playground. The children are presented as articulate and confident, and wear their glasses with pride – they are typical kids describing what they think about wearing glasses.*

*Luxottica Retail Australia Pty Limited's response*

*As requested by the ASB's letter, this response addresses all of the grounds under section 2 of the Advertiser Code of Ethics:*

*2.1 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, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*The OPSM video advertisement does not discriminate or vilify people. We note that the correction of normal vision problems via prescription glasses is not usually classified as a "disability". Luxottica believes that the OPSM video advertisement can be distinguished from the Murray Goulburn decision (case reference 0362/13). In that case, a complaint was upheld under section 2.1 of the Code of Ethics on the grounds that the use by an adult of the term [freaky or creepy] "little Cyclops" directed to a one eye doll but mistakenly thought to describe a child wearing an eye patch to correct a serious eye disability, identified as strabismus (lazy or turned eye) or anophthalmia (missing eye), in a prime time television commercial breached section 2.1 of the Advertiser Code of Ethics. In the Murray Goulburn decision, the majority of the Board upheld the complaint on the grounds that an adult making a negative comment about a child with a physical disability amounted to a depiction that vilified a section of the community on account of a disability.*

*Luxottica submits that the OPSM video advertisement can be distinguished on the basis that it only depicts children talking about what it's like to wear glasses and does not contain any statements from adults making negative comments about children. The children are presented as articulate and confident, empowered, self-assured and are not portrayed as victims. They wear their glasses with pride and Luxottica emphasises that the correction of normal vision problems via prescription glasses is not classified as a "disability" in the Australian community. Millions of Australians wear prescription glasses and are not regarded as disabled. The OPSM video advertisement is intended to be an empowering and responsible advertisement directed primarily at adults to start conversations and provoke discussion reflecting contemporary attitudes about bullying. The OPSM video advertisement is available only on Internet sites directly primarily at adults and (unlike the Murray Goulburn case) has never been shown on television.*

*2.2 Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*The OPSM video advertisement does not employ sexual appeal so we have not addressed this ground further in our response.*

*2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*While our position is that the OPSM video advertisement does not expressly present or portray violence we note that there is a single slide “Top Definition of Four Eyes” together with a page of fine print text which appears for approximately 2 seconds in the OPSM video commercial. The fine print text (without graphics) describes a Townie saying “Hey four eyes, I’m gonna cut u up...coz u got four eyes, idiot”. The term “cut u up” is slang speak and is met with a fast retort by the guy with glasses, “count again retard and you’ll find that I have two (eyes)”. In the context of the OPSM video commercial, this text section was intended to demonstrate a fast come back retort to a bullying remark, which is a technique that some parenting experts advocate to equip children to face their bullies. We note that there are no visuals accompanying this page of fine print text and no violence is actually shown or depicted in the OPSM video advertisement. The OPSM video advertisement needs to be paused or replayed several times in order for the text to be read and absorbed. It is submitted that this page does not actually portray or show violence, but if any members of the ASB think that it does, then Luxottica submits that it is justifiable in the context of the OPSM video advertisement which is designed to capture the attention of adult parents about the important social issue of bullying and present a possible solution/come back retort for parents to suggest their children might use in such a situation. Importantly, no child is actually shown as being bullied or being subjected to violence and it is unlikely that if a child were to view the page of small print text, he or she would be able to make sense of it in the very short time that it is on screen.*

*2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*The OPSM video advertisement does not feature sex, sexuality and nudity so we have not addressed this ground further in our response.*

*2.5 Advertising or Marketing Communications 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.*

*The OPSM video advertisement uses everyday language that is typically used in the rough and tumble of a school playground. The term #IAM4EYES and “four eyes” is colloquial vernacular that has been used for many years, in some cases as a playground taunt but it cannot be said to be strong or obscene language in the sense of swearing or offensive profanity. “Four eyes” is an attention grabbing phrase but OPSM submits that it is not strong or obscene. As used in the context of a socially responsible Internet and social media eyewear campaign that draws attention to bullying, the term “four eyes” and the other language used is appropriate in the circumstances including appropriate for the relevant audience and medium being predominantly adult users of websites.*

*The OPSM video advertisement uses contemporary school yard vernacular and words including retard, klutz and nerd. In 2016, members of the Board who have children will recognise this language as language which some kids use in the playground – it is not necessarily strong or obscene language. Luxottica submits in the context of the OPSM video advertisement, the language is appropriate in the circumstances.*

*2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards.*

*This ground is addressed in detail below with specific reference to bullying and the terms of the complaint.*

*Luxottica respectfully submits that the complaint is misconceived and misrepresents the OPSM video advertisement. The OPSM video advertisement is part of a responsible Internet campaign designed to capture the attention of the public about an important social issue – bullying. It is directed towards adults on the OPSM, Mamamia and YouTube websites: it would be unusual for primary school aged children to access the OPSM or Mamamia websites directly. We note that the Mamamia campaign has run its course and concluded on 19 October 2016.*

*The OPSM video advertisement is aimed at celebrating individuality, empowering parents to take a stance against bullying and give kids confidence to wear their glasses with pride. Contrary to the description by the complainant, at no time does the OPSM video advertisement state that “to prevent children from being bullied responsible parents should buy their children OPSM glasses” or “That a child without a particular brand of glasses will be bullied” or that “they shouldn’t be essentially blackmailed into purchasing OPSM glasses”. In fact, there is no such thing as “OPSM glasses” - OPSM does not sell any kids glasses branded “OPSM”. OPSM is the name of the shop, not a brand of glasses. OPSM sells many different brands of glasses, but none are OPSM’s own kids’ brand.*

*The complaint alleges that “the ad suggests that if a parent does not purchase cool OPSM glasses their child will be called ‘4 eyes’”. Respectfully, the OPSM video advertisement does not say this expressly or impliedly. The only time the word “cool” is used in the OPSM video advertisement is the statement by one of the children “Four eyes is cool” and the subsequent text statement which says, “Nerdy, nope cool”. Namely, it’s not nerdy to wear glasses, it’s cool to wear glasses. There is no suggestion that having OPSM glasses will prevent a child from being bullied. OPSM is trying to convey a socially responsible message that parents should equip their children to stand up to bullying, which is a huge issue for school aged children in Australia. OPSM calls on adults to help re-define the so-called “Four Eyes schoolyard taunt”, “flip the stigma of wearing glasses” and “give kids confidence to wear their glasses with pride”. There are no obvious brands of glasses, designer or otherwise, which appear in the OPSM video advertisement. There is no call to action to purchase glasses in the video footage, no prices or specific brand/models of glasses mentioned. We note that the Murray Goulburn television commercial did not breach section 2.6 of the Code of Ethics.*

*Contrary to the allegation that the OPSM video advertisement is overly irresponsible, OPSM’s intention was to create a responsible advertisement directed primarily at adults to start conversations, flip the stigma and provoke discussion reflecting contemporary attitudes about bullying, which is an issue for a number of school aged children and their parents. It is hoped that the OPSM video advertisement will positively change perceptions of children who wear glasses and help them feel comfortable with diversity and looking different to children who don’t wear glasses. Since the release of the OPSM video commercial, it has received over 3,500 “likes” on social media from members of the community. We therefore submit this is not a communication which depicts material contrary to prevailing community standards.*

*Luxottica Retail Australia Pty Limited is a responsible company, and OPSM has operated in the healthcare and eye care sector for 83 years. It has always been our intention for OPSM's Advertising or Marketing Communications to comply with the law and not to depict material contrary to prevailing community standards on health and safety in the community.*

*The OPSM video advertisement is a responsible campaign designed to capture the attention of the public about an important social issue. OPSM submits that the OPSM video advertisement does not breach section 2 of the Advertiser Code of Ethics and it is not contrary to prevailing community standards on health and safety in the community.*

*We respectfully request that the complaint be dismissed.*

## **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 concern that the advertisement may encourage people to bully those who do not wear a particular brand of glasses.

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 the internet advertisement shows images and interviews with different children wearing glasses who have been bullied. They are all shown with the hashtag IAM4EYES.

The Board noted the complainant's concern that the advertisement suggests that to prevent children being bullied their parents should buy them cool glasses from OPSM.

The Board noted the advertiser's response that before the video advertisement plays there is a short statement which explains the rationale behind the #IAM4EYES campaign: encouraging children to be confident in wearing glasses.

The Board noted that this advertiser has a legal right to advertise its products and considered that although the advertisement encourages children to embrace wearing glasses there is no suggestion that only OPSM glasses are suitable. The Board noted the complainant's concern that the advertisement could encourage the bullying of children who do not wear OPSM

glasses but considered that the depiction of an experience some children who may wear glasses may have had is not of itself an encouragement of bullying behaviour. The Board considered that the phrase '4 eyes' is no longer part of the common vernacular and is unlikely to be reintroduced as a result of this campaign. Overall the Board considered that the young people featured in the advertisement were embracing the fact they wear glasses and the advertisement did not suggest that children who do not wear OPSM glasses would or should be bullied.

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

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 complaint.