



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0452/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Energy Window Fashions</b>
<b>3</b>	<b>Product</b>	<b>House Goods Services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/11/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Mental Illness

## DESCRIPTION OF THE ADVERTISEMENT

There are two versions of this television advertisement: the 15 second version is a cut down of the 30 second version. Both feature a 'mad scientist' character explaining what a window is and how they can let in heat and cold in but that this can be solved by using the advertised product, Energy Window Fashions. His final comment is, "We may look crazy, but we know what we're doing".

## THE COMPLAINT

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

*I found this extremely offensive as he is depicting a stereotype of a person suffering with a mental illness as a wide eyed, staring, weird and frightening "crazy". As the mother of a young man who has suffered with mental illness for most of his life, I can assure you that he has enough difficulties to deal with in his life without some idiot depicting people with mental illnesses as being scary, wide eyed "crazies". This offensive ad needs to be removed from the air.*

## THE ADVERTISER'S RESPONSE

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

*Thank you for alerting us to your complaint reference number: 0452/16 referred to in your letter.*

*Please find below the information requested:*

*The commercial is a retail advert for window furnishings. The primary objective is to relay the technical benefits of the product. To enhance the appeal of the commercial our agency utilized humour based on an Einstein style character extremely intelligent but witty.*

*This commercial has been running since the 9/02/2015 in both Canberra and Melbourne. This is the first complaint received.*

*Our agency takes mental illness very seriously and has donated advertising schedules to the value of \$20,000 for the mental health foundation now known as "Wellways".*

*Our company and our agency cannot identify any breach of the codes in your letter. We regret if any unintended inference has been perceived by your complainant.*

## **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 is offensive in its stereotypical depiction of a person suffering from mental illness. The Board viewed the advertisement and noted the advertiser's response. The Board 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 Board noted that this television advertisement features a 'mad scientist' character explaining the advertised product before going on to say, "We may look crazy, but we know what we are doing." The Board noted it had previously dismissed similar complaints in case 0141/13 where: "The Board noted that whilst twirling your finger next to your head and whistling can be interpreted as a reference to a person who suffers from mental impairment or disability the Board considered that in this instance the gesture is being used to mock the inventions and their likelihood to succeed and not to mock mental illness. The Board noted that the overall tone of the advertisement is humorous and considered that most members of the community would consider that the advertisement is not presenting material which discriminates against people who suffer from mental illness." and in case 0319/10 where: "The Board noted the cartoon style of the advertisement and the fact that the image of the man is one which is commonly used in cartoon imagery. The Board noted that the image is used in conjunction with the brand name 'Crazy John's' which is meant to suggest that the advertiser has very low prices for its products - so low that the company must be 'crazy' to offer them. The Board considered the name of the advertiser and the image that accompanies it is most likely to be understood by the community as a reference to low prices and not as a reference to people with a mental illness." In the current

advertisement the Board noted that the main actor is dressed as a 'mad scientist' character and considered that most members of the community would be familiar with this caricature of a scientist, which in the Board's view is not of itself suggestive of mental illness but rather of a person who is so clever they appear different to those of average intelligence. The Board noted the reference to being crazy in the advertisement and considered that in the context of a mad scientist this phrase is not suggestive of mental illness but rather is a light-hearted reference to the persona often ascribed to the mad scientist figure. The Board noted that the term crazy is often used in advertising to describe good deals or bargains and considered that its use in the current advertisement is consistent with the common advertising vernacular. Overall, the Board 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. 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.