



Case Report

1	Case Number	0456/16
2	Advertiser	Ubank
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Other

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement, entitled 'Real estate tips from the terminally ill', features six different people sharing their thoughts on home ownership. The final on screen text reads, "Maybe it's time we looked at things differently? Borrow less. Live more. U Bank".

THE COMPLAINT

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

The actors say they have a terminal illness. It starts with 'when given a death sentence'. It is depressing and grim. My child does not need to see it.

U Bank has shamelessly used terminal illness as a way to sell their product, and I cannot believe that this commercial has been allowed to be shown. It's absolutely infuriating & disgusting.

This ad commodifies human suffering and is in poor taste.

It is insulting to people who are having cancer or who have had treatment. It seems to be trying to buy customers by using cancer patients. Please stop this.

I feel that using examples of real people or actors portraying terminally ill cancer sufferers

to promote a bank/ financial institution is in very poor taste and I find it very offensive.

I am offended as I have cancer and money is a big worry during treatment and existing. Is U bank going to make all the worries disappear? It would be lovely to borrow less. I find it's distasteful to use people in this manner.

THE ADVERTISER'S RESPONSE

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

The advertisement is titled 'Real Estate Tips From the Terminally Ill' and features six different people, sharing their poignant insights regarding the Great Australian dream of home ownership.

We understand this campaign has elicited strong emotional responses (both positive and challenging) and we feel confident that we've followed all related guidelines

We offer the following in response to the complaints raised:

- Our CAD clearance number for UBA309060 is W3UP1FIA, rated W. This was acquired prior to our launch date.*
- All people shown in the advertisement are real people, suffering from a terminal illness.*
- Palliative Care Australia supports this campaign fully and were instrumental in finding people who wanted to participate in our film.*
- Another film on our website (ubank.com.au/hometruths) titled, 'Why I Shared My Story', highlights further insights regarding the intention of each person in the film. Each person also signed a formal release form and was aware of how the campaign would be shared with the public.*
- The campaign is scheduled to air on TV through next Tuesday, 15th November, 2016. There are no plans to extend this TV schedule.*

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 complainants' concerns that the advertisement is insulting and demeaning to people who have had experience with serious illness, and that using terminal illness to promote a banking product is in bad taste.

The Board noted the complainants' concerns that the advertisement is in poor taste but considered that the issue of taste does not fall under the provisions of the Code.

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 people with terminal illnesses sharing their thoughts on home ownership.

The Board noted the complainants' concerns that the advertisement is insulting and demeaning to people who have, or have had, cancer or other serious illnesses.

The Board noted that advertisers are free to use whomever they wish in their advertising and acknowledged that while many people would find the use of people suffering from terminal illness to be confronting, the Board considered that the Code does not preclude this use.

The Board noted that the advertisement is not a community service announcement but a promotion for a banking product and considered that while some people may consider it is exploitative to use the issue of death to promote this product, the manner in which the people in the advertisement are depicted is not negative, discriminatory or vilifying.

The Board sympathised with the complainants' concerns and acknowledged that for people who have serious illness, or who are close to someone who has, the advertisement would be confronting but considered that the actual content does not present people with terminal illness in a negative light or suggest that they should be thought any less of because of their health.

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.

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 complaints.