



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0473/18
2	Advertiser	Mad Harry's
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/10/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Mental Illness

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a character called 'Mad Harry' being assessed by a psychiatrist.

THE COMPLAINT

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

The ad features what is presumably a psychiatrist assessing a person with mental illness, then labelling the person as "mad" before we see "mad harry" in a state which is not only disrespectful to people with a mental illness but further stigmatises mental ill-health.

THE ADVERTISER'S RESPONSE

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



RE: Mad Harrys - case 0473/18

Mad Harry's is a family owned and operated discount variety store based in Alice Springs and Coolalinga in the NT. We have been operating since 2000.

The business is named after our son, Harry. It is not a franchise.

Our television and radio advertisements for Mad Harry's have not changed much over the past 12 years. The emphasis is on our prices being discounted. Our theme is "mad" consistent with our name Mad Harry's.

- Mad prices*
- Mad bargains*
- Mad savings*

The reference to "mad" is by no means a reference to mental illness. Our meaning of "mad" is remarkable, frenzied, irrational and outrageous. Our use of the word "mad" is only relevant to the prices of our products. This is made very clear in our advertising.

We use a comic character of a little man, symbolizing "Mad Harry". Our "Mad Harry" character is a funny little guy that is depicted as being overwhelmed by the "mad" prices and the "mad" value. Again this character has been used since the year 2000. Until now we have not received any feedback that this character is offensive or in any way inappropriate.

Most people consider our advertisements fun, lively and juvenile. Our business and our advertising is very similar with other cheap shops, such as Crazy Prices, Chicken Feed, Cheap as Chips etc. The emphasis is on ridiculous, "mad", low prices.

The word "mad" has a very broad definition and is used universally in many contexts without offending or being interpreted.

We do not believe our advertising is offensive, disrespectful or demeaning to anyone or anything.

Rather, our advertisements of a light-hearted, comic genre.

I hope this addresses the concerns of the complainant.

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 noted the complainant's concern that the advertisement contributes to the



stigmatisation of mental ill-health.

The Panel viewed the advertisement and noted the advertiser's response.

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 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 that this television advertisement features an animated character appearing to be 'mad'.

The Panel noted the complainant's concern that the advertisement contributes to the stigmatisation of mental ill-health.

The Panel noted there are several stores with a similar theme to the advertiser, focussing on the concept of 'crazy' prices being a reference to illogically low prices.

The Panel considered that the advertisement is relevant to the company name, and that a reasonable consumer would interpret the advertisement as being related to the store name and its prices rather than a depiction of a person with mental health issues.

The Panel considered that the advertisement is clearly exaggerated, and contains no message about mental health or psychiatric disorders.

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 mental illness 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 complaint.

