



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 117/08 |
| 2. Advertiser | Brydens Compensation Lawyers |
| 3. Product | Professional Services |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Discrimination or vilification Other – section 2.1 |
| 6. Date of determination | Monday, 19 May 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

Radio Ad for Brydens. Compensation Lawyers "When winning is everything". IMPORTANT NOTICE TO THE VICTIMS OF THE "BUTCHER OF BEGA" Have you been treated by X-Dr Graeme Reeves? If so you may have legal rights! Brydens Compensation Lawyers are one of Australia's largest compensation law firms, and in response to the horrific allegations being made we will be sending a team of accredited specialists to Bega.

Our lawyers will meet with you to discuss your individual circumstances. There is no charge whatsoever for the initial consultation and if we act for you in any claim we do so on a 'NO WIN NO FEE' basis for our legal costs. If you don't win, we don't get paid. Brydens Compensation Lawyers - A law firm you know. Lawyers you can trust. So call our national free call legal help line now.

Contact details for the law firm are also provided.

THE COMPLAINT

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

I am writing to complain about the above company using the term 'Butcher of Bega' to describe Dr Graeme Reeves. I find this description to be appalling to say the least as to date there has been no arrest and no trial. I have empathy for the patients of Dr Reeves but this way of going about touting for business from a very vulnerable part of our community is outrageous, unethical, slanderous and libellous to say the least.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

We propose to address the complaints in one reply.

The complainant alleges that our advertising is in the nature of "Discrimination or Vilification" pursuant to Section 2.1 of the AANA Advertiser Code of Ethics.

That section (2.1) provides inter alia that - "Advertisements shall not portray people ... in a way which discriminates against or vilifies a person....an account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief"

Attached as Annexe A is a copy of the advertisement as it appeared in the Bega District News on 29th February, 2008. This is the same format in which the advertisement appeared in various other regional newspapers at that time.

We submit that nowhere, in any way whatsoever does our advertisement discriminate or vilify Mr Reeves on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

On that basis we submit that the complaint must be dismissed.

We further submit that our advertisement does not breach any part of Section 1 or Section 2 of the AANA Advertiser Code of Conduct.

We also seek to clarify that the term "Butcher of Bega" is a media pseudonym created not by us but by the Australian media to refer to Mr Reeves and indeed that term has been used exhaustively nationally in television, radio and print media forums in connection with the horrific allegations of negligence made against Mr Reeves.

Attached as Annexes B, C & D are just three samples of newspaper articles from the Daily Telegraph and the Sydney Morning Herald referring to "The Butcher of Bega".

We also wish to clarify that our advertisements were placed over a period of four weeks and that this campaign ended on our around March 21st and are not intended to be used again.

The transcript for the radio commercials were based entirely on the print media content also using the term "Butcher of Bega", we submit that complaint must also be dismissed for the reasons outlined herein.

We regret any offence taken by the complainant.

We do however point out that this matter of medical negligence has occurred on an unprecedented scale affecting in the most private way perhaps a thousand women who have been allegedly mutilated and suffer not only the physical scars but also a lifetime of psychological injury as a result of this mans negligence and a failure of public administration.

It is in the public interest that this matter receive maximum publicity and that the individual story of all those affected are heard so that it will not happen again.

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 about the way in which the advertisement referred to its subject and considered the advertisement under Section 2.1 of the Code which deals with discrimination and vilification.

The Board reviewed the radio advertisement and noted the use of the phrase 'the Butcher of Bega' to refer to a doctor.

The Board agreed that this was an unpleasant way to advertise professional services but that the term was a well-known one that had been used by a newspaper journalist not the advertiser.

The Board considered that this was an issue of taste and agreed that the complainant should refer their concerns to the Law Society as the use of the term does not constitute discrimination and therefore is not in breach of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.