



CASE REPORT

1. Complaint reference number	128/05
2. Advertiser	Esanda
3. Product	Finance/Investment
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Tuesday, 14 June 2005
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a couple in a shopping mall setting. The couple approach and step onto an escalator. The advertisement then depicts a young man at the top of the escalator wearing a suit and staring back down at the couple. The young man reaches over and pushes the stop button on the escalator and then pushes the reverse button. As the stairs begin to reverse, the couple struggle against the direction of the stairs and try to climb the escalator. A superscript appears “We’ll do almost anything to make saving easier”. The concept behind the advertisement is that the finance company will do anything to help you save money, including trying to stop you from shopping.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

“I find this ad very offensive towards overweight people. It is disgusting that these advertisers have selected overweight people and make obvious fun of them on national television. There is enough publicity about healthy eating and obesity without having this disgusting ad thrown in your face each night.”

THE ADVERTISER’S RESPONSE

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

“It was our intention with this campaign to make advertisements that are quirky and fun. They were deliberately created to be ‘over the top’ as a way of reinforcing the key message of the advertisements. ‘We’ll do almost anything to make saving easier’. While the person making the complaint may consider the lady to be “particularly overweight” we do not. We consider that she looks like an ordinary, ‘everyday’ person, and the fact that she may be slightly heavier than most women portrayed in the media these days only reinforces the fact that she is just that – an everyday person.”

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 that the complainant took particular offence to the depiction of an overweight woman in the advertisement. The complainant interpreted the advertisement as offensive towards overweight people and thought that the advertiser was making fun of them. The Board was of the opinion that the talent used in the advertisement was not significantly overweight and determined that the advertisement did not focus on the character’s weight as a disability. The Board found that the character was not being discriminated against on the grounds of her weight.

The Board held that the depiction did not contravene the provisions of the Code relating to the portrayal of people (disability).

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.