



CASE REPORT

1. Complaint reference number	182/08
2. Advertiser	Hutchison 3G (Aust) Pty Ltd
3. Product	Mobile Phone/ SMS
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Wednesday, 11 June 2008
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

The advertisement begins as a woman is washing the dishes. She is facing the camera and talking on a mobile phone that she is holding in the crook of her neck. We hear only her side of the conversation. "She's mad. She's madder. (She snickers)". Text appears on screen and voice over states: 'Chit Chat is good.' Woman continues to speak: "Diabetic I think..." Image of a mobile phone on a black background. Text reads: 'FREE on 3's \$29 Cap over 24 months. Voice over continues: 'And you can do it in style with a new LG Shine. Free on 3's \$29 cap. It's good to be 3.' Text on screen: It's good to be 3. Call 133 369 or visit three.com.au.

THE COMPLAINT

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

1. the use of the words mad and madder to describe a person when mental health workers strive not the use this word. 2. the association of madness with a person with Diabetes. 3. the use of the noun Diabetic instead of "person who has Diabetes or person with Diabetes".

THE ADVERTISER'S RESPONSE

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

Further to your correspondence where you informed us of a complaint surrounding one of 3's recent television advertisements 'Chit Chat is Good', I wanted to notify you that 3 has withdrawn this version of the advertisement following an internal review.

We have instructed both our media buying agency and the television network to remove this advertisement from air, and as far as we are aware the last time this advertisement was aired was Monday, 19th May 2008.

Please note that a shorter version of the advertisement is still airing, however this does not include the dialogue "Well she's mad...she's madder...diabetic I think". We have also modified the longer versions of the advertisement and removed the above mentioned dialogue.

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 advertiser's response stated the advertisement had been modified and no

longer contained the offending phrase of “*Well she's mad...she's madder...diabetic I think*”.

The Board applauded the advertiser's quick response to the complaint and their responsible approach to community concerns.

However the Board reviewed the original advertisement and found the phrase “*Well she's mad...she's madder...diabetic I think*” to be offensive and completely irrelevant to the product being advertised.

The Board considered that the original advertisement was discriminatory to diabetics under Section 2.1 of the Code.

Finding that the advertisement breached the Code the Board upheld the complaint.

THE ADVERTISER’S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

As per the original response - We have instructed both our media buying agency and the television network to remove this advertisement from air, and as far as we are aware the last time this advertisement was aired was Monday, 19th May 2008.