



## CASE REPORT

1. Complaint reference number	238/09
2. Advertiser	Rivers Australia Ltd
3. Product	Clothing
4. Type of advertisement	Print
5. Nature of complaint	Discrimination or vilification Disability – section 2.1
6. Date of determination	Wednesday, 10 June 2009
7. DETERMINATION	Upheld – discontinued or modified

## DESCRIPTION OF THE ADVERTISEMENT

The extract from a Rivers clothing brand catalogue is headed “Bi-Polar”. The picture of a reversible vest is shown. On the right hand side of the image is the following text.

“Bi-Polar. Get it? You know, it’s a polar fleece vest & it’s reversible, for those times when your mood changes & you feel like wearing a different colour all of a sudden. Pretty smart hey? Well, we thought so! But, then we realised we may get hundreds of emails from readers thinking we were having a dig at people who actually suffer from bi-polar disorder... So please don’t read too much into this - we’re just talking about the vests.”

Price and garment features are provided.

## THE COMPLAINT

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

*Part of the catalogue read as follows, - 'Bi-Polar. Get it? You know, it's a polar fleece vest and it's reversible, for those times when your mood changes and you feel like wearing a different colour all of a sudden...But, then we realised we may get hundreds of emails from readers thinking we were having a dig at people who actually suffer from bipolar disorder...So please don't read too much into this'.*

*Well I do read something into this, not only do Rivers admit in the ad that, and i quote "we may get hundreds of emails from readers thinking we were having a dig at people who actually suffer from bipolar disorder..." To me this would point to the fact that they knew this ad was unsavoury and would cause issues, may i also point out that the "contact us" feature on Rivers website has been removed and a phone call and also an email to [q&a@rivaus.com.au](mailto:q&a@rivaus.com.au) by me to their office has gone unreturned.*

*As a person who suffers from a mental health condition, I find this ad extremely offensive, insulting and highly demeaning. In the light of which the ad is written it not only trivialises Bi-polar disorder, it also promotes stigma towards mental illness in the community.*

*It is my understanding that Section 2.1 of the AANA Code of Ethics states that:*

*2.1 Advertising or Marketing Communications shall not portray*

*People or depict material in a way which discriminates against*

*Or vilifies a person or section of the community on account of*

*Race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.*

*I would submit that this Ad does vilify and make fun of people who suffer a disability due to mental illness. This ad is equivalent to making fun of cancer. Would Rivers market a reversible polar fleece beanie for those people who battle cancer and who have no hair? And then tell them not to*

*read too much into it?*

*Also this ad is not funny at all for those who have Bi-Polar, their families and their loved ones. I would also bring to your attention that statistics from the Dept. of Psychological medicine at Monash University (which can be verified by Dr Nicholas Kecks of the same) show that %20 of people who have bi-polar disorder commit suicide. Is this the way to sell a product? We are in the 21st century, using fear and stigma is not the way forward to promote an item.*

*I object to this Advertisement under Section 2 of the AANA Code of Ethics: Portrayal of People. People in our community who suffer from Mental Illness face enough obstacles, Stigma and ignorance without it being deliberately added to by Rivers Australia. Rivers openly admit in their own advert, quote "we realised we may get hundreds of e-mails from readers thinking we were having a dig at people who actually suffer from bi-polar disorder" that they knew their Advertisement was going to cause a negative response. But they still went ahead with it anyway, seemingly not caring if they offended people in our Community who suffer from Bipolar Disorder and Their Families.*

*This Advertisement portrays people with Bipolar Disorder as overly dramatic. It portrays Bipolar Disorder as nothing more than merely "Mood changes", as a minor condition. It portrays Bipolar Sufferers and Bipolar itself as people and a Condition to be laughed at, ridiculed and not taken seriously. The People at Rivers involved in marketing need to realise that Bipolar Disorder is NO laughing Matter. People die from this Condition. It ruins lives. It's hard enough to live with without a large company like Rivers encouraging Ridicule, Misinformation and Stigma.*

*I am surprised this got off the drawing board let alone was allowed to get to the stage where someone at the Rivers Company actually approved it for release.*

*I object and am saddened not just as a Bipolar Sufferer, but as a Decent Person. It's just not right.*

*I object to this form of advertising as it is clearly defamatory to bi-polar suffers, me being one of them. Using a mental illness to sell clothes is like advertising cancer to sell flowers! I have had bi-polar for 17 years and was diagnosed 5 years ago. I have been institutionalised 3 times, have experienced paranoid psychosis, severe paranoia, psychotic breaks, suicidal tendencies and bouts of ongoing depression. My condition lead me to years of substance abuse to self medicate as I was not yet diagnosed. It took 4 years of experimental drug trials to finally stabilise my condition, I now take heavily sedating medication daily and will have to for the rest of my life to keep the disorder under control. The pain, suffering and pressure that this has put on myself, my family and friends is unmeasurable. Like many many others I live with this condition daily, some are good and some are hell but we all persevere. So for a company to take such a horrific and debilitating condition, defame it and use it for advertising equalling monetary gain is disgusting and unforgivable. I speak for myself and all mentally challenged people in my community.*

## **THE ADVERTISER'S RESPONSE**

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

*We do not feel in any way that this ad was discriminatory towards people with bi-polar disorder.*

*Rather, it was a light hearted description of a polar fleece vest that was reversible (bi-polar).*

*We make no connection between our ad and the statistic that people with bi-polar are more likely to commit suicide, nor any connection between bi-polar and "madness".*

*No where in the ad did we state (or even imply) that individuals with bi-polar disorder are either mad or anything of the like.*

*The ad was simply an example of Rivers quirky sense of humour that does not take itself too seriously.*

## **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' concern about the depiction of people with bi-polar disorder as 'mad', references being defamatory and the advertisement encouraging ridicule, misinformation and stigma. The Board also noted the advertiser's statement that the advertisement is meant to be humorous and is consistent with the Rivers quirky sense of humour.

The Board considered whether the advertisement complied with section 2.1 of the Code which requires that advertisements or marketing communications 'shall not portray people or depict material in a way which discriminates against or vilifies a person on account of ...disability.'

The Board considered that the advertisement did identify a population group - people with bi-polar or mental disorder. The Board noted the comment in the advertisement that:

"You know, it's a polar fleece vest & it's reversible, for those times when your mood changes & you feel like wearing a different colour all of a sudden. Pretty smart hey? Well, we thought so! But, then we realised we may get hundreds of emails from readers thinking we were having a dig at people who actually suffer from bi-polar disorder... So please don't read too much into this - we're just talking about the vests.'

The Board noted the advertiser's intention for the advertisement to be humorous, but considered that the advertisement does intend to make the audience think of people suffering from this illness and make fun of their 'mood changes'. The Board considered that the advertisement satirises and ridicules a feature of mental illness over which sufferers have no control. The Board considered that this advertisement could cause offence by insulting and demeaning sufferers and promoting stigma about mental illness in the community.

On this basis the Board determined that the advertisement does discriminate against people on the basis of their disability and is in breach of section 2.1 of the Code.

Finding that the advertisement did breach the Code, the Board upheld the complaints.

#### **ADVERTISER'S RESPONSE TO THE DETERMINATION**

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

*Rivers Australia confirms that the advertisement was only published once and has not (and will not) been released since the initial publication.*

*It is also not available anywhere for public viewing on our website.*