



CASE REPORT

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| 1. Complaint reference number | 279/06 |
| 2. Advertiser | Seek.com.au |
| 3. Product | Employment |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6
Other - Causes alarm and distress |
| 6. Date of determination | Tuesday, 8 August 2006 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is set in a hospital operating theatre where we see the surgeon coming out of the adjacent toilet without washing his hands, and complaining that “the damn thing still isn’t flushing”. Preparing for surgery on his patient, it is soon obvious that the registrar/assistant surgeon is more competent than the supposed surgeon who is not even aware of the correct terminology of the instruments and procedures. As the surgeon incompetently uses the instruments, the registrar is seen in desperation, to mentally project a rainbow from his brain to the surgeon’s without success. As the surgeon drops to the floor below the gurney, he exclaims “Look, there’s a dollar” as the registrar looks amazed. Text appears on screen “Thousands of jobs. Millions of opportunities. Seek.com.au”

THE COMPLAINT

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

Queensland is still reeling from the Dr Jayant Patel tragedy. This advertisement appears to parody that tragedy and attempts to appear funny. I suspect this would be particularly offensive to Patel’s victims and families.

THE ADVERTISER’S RESPONSE

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

This is one of a series of intentionally humorous advertisements depicting a variety of work situations where the subordinate is clearly more capable than their boss. ...This is a widely held belief within the jobseeker community.

As with all ads in the series, the gulf in competence is exaggerated for theatrical effect.

Seek is the largest advertiser of healthcare roles in Australia , and as such it would be nonsensical for us to offend anyone in, or connected to, that industry.

The thought that we would knowingly, or unwittingly, use a medical tragedy to our own benefit is frankly an affront to us as a team and as individuals. To say nothing of the fact that it would be an appalling business decision.

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 section 2.6 of the Code requires that advertisements not depict material that is contrary to prevailing community standards on health and safety.

The Board noted that, although the surgeon is obviously not capable and does omit to wash his hands after using the toilet, the advertisement is criticising this behaviour. The message of the advertisement is in fact one about the importance of recruiting appropriately skilled persons for particular jobs in order to avoid a situation such as that depicted in the advertisement.

The Board considered that in view of the slapstick nature of the advertisement, combined with the message of the importance of having appropriately skilled staff, the advertisement did not breach section 2.6 of the Code.

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