



## **CASE REPORT**

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| 1. Complaint reference number | 308/07  |
| 2. Advertiser                 | Kosciusko Thredbo Pty Ltd (Auslan)                      |
| 3. Product                    | Leisure & Sport   |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Discrimination or vilification Disability – section 2.1 |
| 6. Date of determination      | Tuesday, 11 September 2007                              |
| 7. DETERMINATION              | Dismissed   |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens on two men at a bar who have very tanned faces and noticeably white marks on their faces, seemingly caused by wearing ski goggles. A third man approaches them and asks "So...you guys have been skiing?" The two men remain quiet and one apologises, using sign language, that they are both deaf. The newcomer excuses himself and leaves, whereupon the two men continue their conversation. A male voiceover explains "What goes on in Thredbo ...stays in Thredbo".

## **THE COMPLAINT**

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

*It does not represent a deaf person in the deaf community. It makes hearing people feel like deaf people don't want to communicate with them. When a hearing person approaches a deaf person, we don't just fob them off. We, as deaf people, make a lot of effort to include other people in our conversations. Deaf people are actually human, not aliens.*

## **THE ADVERTISER'S RESPONSE**

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

*We contend that in no way does this commercial breach the Code and offer the following explanation:*

*For over the last 25 years Thredbo ads have been airing in Australian and have been widely regarded as having an irreverent, provocative, fun sense of humour, which leaves people with a smile and a feeling that the resort must be heaps of fun. These commercials are directed at young people and people young-at-heart. This commercial was built from an insight that snow sports can offer the adrenaline and thrill that comes from pushing personal boundaries and the fun and pleasure of bonding with their mates.*

*Based on this insight of bonding with their mates and the well-known saying of "what goes on tour, stays on tour", a tongue-in-cheek campaign was developed. This commercial exaggerates the experience of going to Thredbo is so thrilling that you will not want to share it with anyone, and go to any length to keep the experience to yourself. In this case, using sign language to "keep the secret". It is produced in a very humorous, light-hearted tone and we had no intention to offend the deaf community.*

*Whilst we acknowledge the concern raised, we in fact had a member of the signing community teach the actors the correct signing and a support worker for the deaf community( Justine Maggs*

*from Sign and Speak) on the shoot to ensure that we did not misrepresent the language of signing in any way. We believe that by including the deaf community in an advertisement, we are in fact recognising them as part of the community and not treating them in any way different to others.*

*We firmly believe that this commercial was designed in a very tongue-in-cheek nature and the advertising was not intended to cause any offence or misrepresent any of the grounds set in Section 2.*

## **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 complainant's concern that the advertisement vilified the deaf community.

The Board noted that the advertisement is part of a number of themed advertisements for Thredbo which play on the concept that people who have been to Thredbo don't want to talk to others about how much fun they had at Thredbo. The Board considered that the use of the 'deaf' reference was in poor taste. However the Board considered that the advertisement did not depict deaf persons in any manner that was offensive or vilifying or that poked fun at deaf people. The Board considered that most people would find the advertisement humorous and determined that the advertisement did not breach Section 2.1 of the Code.

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