



CASE REPORT

1. Complaint reference number	322/99
2. Advertiser	Hamilton Island Enterprises
3. Product	Travel
4. Type of advertisement	Outdoor
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Tuesday, 12 October 1999
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

The outdoor billboard advertisement consists of a photograph of a man and a woman in swimming costumes, lying stretched out in a dinghy on the sea, apparently relaxing or sleeping. Across the top of the advertisement are the words 'Chronic Fatigue Syndrome' and, across the bottom, the words 'Hamilton. The island that's spoiling Australia'.

THE COMPLAINT

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

"This ad is highly offensive to those suffering with CFS and the families and friends of sufferers. We fight so hard for CFS to be taken seriously and every time someone in the media makes light of our situation we are thrown back years."

"The use of a serious chronic illness in such a blasé fashion shows a complete lack of sensitivity on the part of the advertisers and a willingness to pander to the prejudices of some members of the public."

"This ad encourages the general public in misconceptions of CFS as a pleasant and voluntary holiday, rather than a debilitating and incurable disease. I am disgusted to see CFS sufferers vilified in this fashion."

THE DETERMINATION

The Advertising Standards Board ('the Board') considered whether this advertisement breached Section 2 of the Advertiser Code of Ethics ('the Code').

The Board determined that the advertisement constituted vilification of a section of the community on account of their disability and, accordingly, breached Section 2.1 of the Code. The Board upheld the complaint on this basis.

Section 2.1 of the Code provides that:

"Advertisements shall not portray people 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."

In making this determination, the Board considered that the advertisement tended to demean sufferers of Chronic Fatigue Syndrome and that it could serve to reinforce some public perceptions trivialising the nature and severity of the condition. The Board did, however, accept that the advertiser had not intentionally sought to cause any offence and noted that the advertiser had withdrawn the advertisement following the receipt of complaints. The Board commended the advertiser for its

prompt response in this regard.

ADVERTISER'S STATEMENT

Hamilton Island believes it has a responsibility to be a good corporate citizen and is involved in several community-based programs to fulfil that role. It was never the intention that the posters cause offence to sufferers of Chronic Fatigue Syndrome, their families or friends.

When it was discovered that some sufferers had taken offence, immediate steps were put in place to remove and change the posters.

Furthermore, Hamilton Island and the Campaign Palace (Sydney) sincerely apologised to everyone who had contacted them. Both companies were thanked by most for the swift and decisive action that was taken.