



CASE REPORT

1. Complaint reference number	363/07
2. Advertiser	Kate Morgan
3. Product	Other
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Disability – section 2.1
6. Date of determination	Tuesday, 13 November 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is set in a suburban kitchen where a drowsy teenage boy at breakfast has his hair tweaked by his mother as she walks past. With half-closed eyes he asks his Dad "Who's that lady?" to which his Dad replies "That's your mother, son." As the mother leaves the room a female voicover explains "You'll hardly recognise yourself when you lose weight and feel great on the new Kate Morgan Weight Loss program," and continues to inform about the program which is available through local pharmacies.

THE COMPLAINT

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

...was wondering why they have at the start of the add, a retarded boy saying "who was that lady". I find the use of [intellectually disabled people] in such a way grossly offending and exploitative. How could that retarded boy possibly give consent to be used in that advertisement? How can you possibly exploit that poor retarded boy in such a way?

THE ADVERTISER'S RESPONSE

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

I totally reject the claim that the boy appears 'retarded' as per the expression used by the person making the complaint. There is no reason why we would want the student character to behave in this way, and indeed he doesn't.

I must add that I find the language used by the complainant to be very offensive – ...I am very certain that this is not the language of a serious complainant, but I would point out that for the many people in society touched by family members with intellectual disabilities or mental health issues this language can hurt a lot.

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 and viewed the advertisement. The Board was firmly of the view that the child depicted in the advertisement is clearly not suffering from any intellectual disability and is meant to be portrayed as a typical school age boy. The Board considered that the advertisement did not breach the Code in any way and dismissed the complaint.