



CASE REPORT

- | | |
|-------------------------------|--|
| 1. Complaint reference number | 69/10 |
| 2. Advertiser | Cool nrg |
| 3. Product | House goods/services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Age - Section 2.1 |
| 6. Date of determination | Wednesday, 24 February 2010 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement commences with a young woman visiting a mature couple to promote ceiling insulation. She has a very high pitched voice and the older people are portrayed opening the door to let her in their home. The woman proceeds to climb a ladder into the roof explaining the promotion and government rebate. She says you will have nothing up top.

THE COMPLAINT

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

This add insults the elderly intelligence and gives the following impression:~ the elderly have nothing going on up stairs~ you can walk straight into their house and do what ever you like~ the elderly are stupid and easily taken advantage of~ its okay to do the above because of how easy it is!

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:*The ad is in no way intended to be a "slice of life". Instead it shows a woman who is clearly a comedic personality "taking over" a household and engaging in a conversation with the viewer. This scenario could not be taken literally by any reasonable person. The use of the word "Konichiwa" is akin to an Australian using the term "Ciao". As an opening word it simply drives cut-through and draws attention to the message. At no point is there an implication that the couple have "nothing going on upstairs". Instead, its a double entendre proposed to the viewer. Similarly, the assertion that the ad implies that the homes of elderly are able to be invaded by anyone and that elderly people are stupid would not be supported by any reasonable person. On January 25th, Green2Home's then GM, Matt Deeble responded to the complainant by email with the following explanation: Thank you for your email. I am sorry that you have found cause for complaint about our green2home consumer advertisement. It was not our intention to imply elderly people can or should be take advantage of. I also do not think that our advertisement conveys this message. We intended to create a fun and vibrant character who was humorously conveying the message that people could access government rebates for ceiling insulation. Her actions in the ad were not intended to imply that anyone would actually do what she does. The offer from Green2home can only be accessed by a home owner or renter calling our 1300 number so no-one will actually be knocking on doors or walking uninvited into homes. Again I am sorry if you have taken offence at the advertisement. We have not had any other complaints about the issues you have raised,however we remain keen to hear from anyone with comments positive or negative about our campaign. It should be noted that the campaign is no longer being aired at this time.*

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 was insulting and degrading and vilifying of aged people.

The Board viewed the advertisement and considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states:

"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."

The Board noted that the advertisement was focused predominantly upon the young woman in the advertisement and the fact that an elderly couple's home was featured in the advertisement did not of itself imply that elderly people have diminished intelligence. The Board agreed that the advertisement was using the "nothing going on up top" caption as a reference to the great deal and did not suggest that the older couple or older people generally are less intelligent. The Board considered that the advertisement did not depict any material that discriminated against or vilified people on account of their age and determined that the advertisement did not breach of section 2.1 of the Code.

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