



CASE REPORT

1. Complaint reference number	87/09
2. Advertiser	The Smith Family
3. Product	Charitable contributions
4. Type of advertisement	Internet
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Wednesday, 11 March 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This internet advertisement from the Smith Family highlighting the issues facing children from financially disadvantaged families shows graffiti on a wall which includes words such as "cry baby", "get away from us", "isolated", "what did I do", "can't you read" and "wrong uniform". The advertisement moves through seven panels and on the second and third a young girl is shown sitting near the wall. On the fourth panel the girl is still shown but the words change to say: "Financial disadvantage is about more than just money." The fifth and sixth panel are blue with white writing and describe the issues faced by children from financially disadvantaged backgrounds. The seventh panel asks viewers to sponsor a disadvantaged Aussie child. A red button on the left says "SPONSOR NOW".

THE COMPLAINT

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

Re the following copy/ad which is not localised to your site only:

<http://www.thesmithfamily.com.au/site/page.cfm>

The above ad that depicts a young child, and in particular, a girl, being subject to such marginalisation and ostracization that accompanies the derogatory act of bullying assaults and therefore violates her being and is criminal. That your [The Smith Family]organisation has breached the very moral foundation of all ethics and condones the use of this advertisement as evidenced by it being splashed all over the internet, undermines the very worth of the human and, indeed, children everywhere, and in particular those who are already marginalised by exclusory matters of class and poverty.

The aforesaid advertisement also contributes to the divisive nature of gender bias and reinforces such notions as the female is the worthless, sordid little grub and is the one who over and above the male, is subject to the afflictions of a second class citizen including the absence of money and education which implies she is certainly open to abuses from other classes and individuals who are more fortunate - such as yourself, who is further exploiting and condoning the exploitation of the use of the [female] child to solicit funds for you and your organisation.

THE ADVERTISER'S RESPONSE

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

I am writing in response to a complaint you received (87/09) regarding advertising materials produced for The Smith Family and we thank you for drawing this to our attention.

I understand that it has been claimed this particular Online banner ad produced for The Smith Family's Back to School Appeal, breaches Section 2.1 of the AANA Code of Ethics, namely:

Section 2

2.1 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.

This ad does not breach Section 2.1 of the Code as it does not show a person being discriminated against, nor vilified, for reasons of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

It is made clearly apparent by the headline and supporting copy that the issue being addressed is one of financial disadvantage and is nothing to do with discrimination on grounds of race, ethnicity etc.

The ad dramatises the social impact that many Australian children suffer at school due to financial disadvantage and the campaign plays an important role in getting this often overlooked issue onto the national agenda.

Sadly an estimated 680,000 Australian children are living in homes that suffer significant financial disadvantage and there is an almost inevitable impact on many of these children when it comes to their ability to perform well at school.*

Research shows that a poor start at school can lead to poor educational achievement, low self esteem and ongoing social, employment and potential drug and alcohol abuse issues further down the track.

Unfortunately the issue of social disadvantage is not well recognised in a country like Australia yet its effects are witnessed by our staff on a daily basis. The key focus of all our activity is on breaking the cycle of disadvantage for children so that they can go on to realise their potential and create better futures for themselves.

The Smith Family has worked tirelessly for over 86 years supporting Australia's disadvantaged. Today our organisation focuses on the delivery of a suite of education and learning programs to children to help them break the cycle of social disadvantage. This includes child sponsorship where children are sponsored by caring Australians throughout their school years. This ad is one of a series raising funds and awareness to secure more sponsors so that more disadvantaged children can be supported.

We do agree with the complainant's overall sentiment that it is horrible that children can suffer like this in this day and age (The Smith Family sees it every day and trying to stop it is why we exist). However, we urgently need to get the issue on the agenda and raise funds to prevent it from reoccurring. Our depiction has been guided by our experience in working with these families and in particular the first hand accounts and personal stories the families have so generously shared with us. Our depiction is certainly not for gratuitous reasons and this point seems to have been missed by the complainant.

This approach and dramatisation of a disadvantaged child, is no different to campaigns by many other charities that regularly show the impacts of starvation on African children and other populations around the world. It may not be attractive but is necessary to raise awareness and funds to address an important issue.

In addition, please note, we have acknowledged that Section 2 of the Code also incorporates the AANA Code for Advertising and Marketing Communications to Children (section 2.4) and the AANA Food and Beverages Marketing and Communications Code (section 2.8). One may infer by the reference to AANA Section 2 of the Code that there is a concern that the ad was, in some way, marketing to Children or promoting Food and Beverages. This is not the case. The ad was intended for Adults who may be able and willing to become a financial supporter of The Smith Family's work, and the media selection was based on an Adult audience.

Finally, the complainant has made substantial reference to our decision to use a girl in that ad and may have inferred an inappropriate gender bias as a result. It is worth noting that the web banner in question represented only one small component of the total advertising campaign that included

Magazines, Direct Marketing and Online. A version of the same creative featuring a boy was also produced. The male version was used in mail packs that were sent to more than 100,000 Australian homes. The decision to use the female in the web banner was arbitrary. When viewed in its totality, the use of either male or female imagery in this campaign was roughly equal. I trust this alleviates any concerns regarding that point.

The Smith Family Back To School Appeal advertising has achieved a very strong positive response from our supporter base and been hailed by our staff who work in community and senior educators as the best depiction they have ever seen of the social impact of disadvantage on a child:

“Mr X.X, Principal of a major secondary college and an important leader in school education in Victoria, spoke at our team day today. He had a copy of the recent ad with him, which he had pulled out of a magazine. He wanted to let us know that it was the best description he had ever seen of how disadvantage affects his students. We all connect to the ad in a similar way here and because of its succinct articulation of the issues we are all trying to tackle, I would also say that it makes us very proud to work at TSF.”

So in conclusion we do not accept the basis of the complaint and do not accept that this ad breached the Code.

** ABS Data available on request. Survey of Income and Housing 2005/06*

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 depicts a young girl who has been traumatised.

The Board noted that the advertisement is for the Smith Family, and is specifically designed to highlight the plight of socially disadvantaged children and the consequences for the children of being disadvantaged. The Board considered that the advertisement was a good advertisement that did effectively highlight to potential donors the fate of many children. The Board considered that any upset to some members of the community caused by the representation of the young girl in this manner was unlikely but in any case was justified by the public good of the message. The Board determined that the advertisement did not breach section 2.1 or 2.2 of the Code.

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