

## Case Report

1. Case Number :	0043-23
2. Advertiser :	P&N Bank
3. Product :	Finance/Investment
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	8-Mar-2023
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman making statements about herself, and immediately following them up with contradictory statements.

Woman staring at her wardrobe: I want new everything/ I need to save money

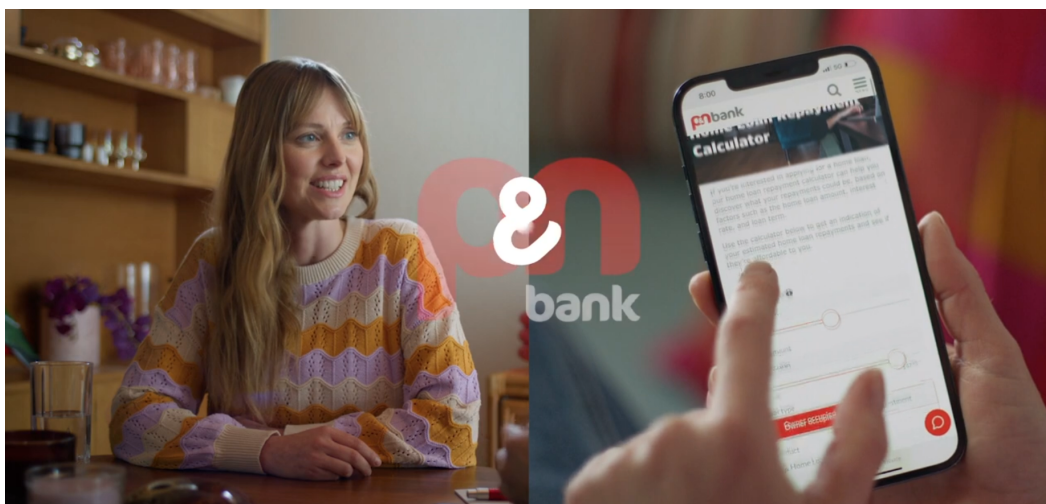
Woman waving at a neighbour: I love my neighbour/ I can't stand my neighbour

Woman using a plunger to unclog a sink: I need help/ I don't need your help

Woman at a party: I'm such a people person/ I'm all peopled out

VO: People aren't one thing, so neither are we. P&N Bank is a partner by your side & a light touch

VO: P&N Bank, That's the power of &.



## **THE COMPLAINT**

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

*I was offended by this ad as it portrays women as being very indecisive and two faced. How could anyone think that this is ok to do?*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We confirm that we act for Police & Nurses Limited ABN 69 087 651 876 (our client) in respect of the abovementioned complaint. P&N Bank is a division of our client.*

*We refer to your letter dated 27 February 2023 addressed to our client regarding a complaint received by Ad Standards on 14 February 2023 (Complaint) regarding an advertisement that was aired on free-to-air television, specifically, on Channel 7 from approximately 5 February 2023 (Advertisement). The Advertisement is scheduled to run until 12 March 2023.*

*Our client takes its legal and governance obligations extremely seriously and believes that the Advertisement complies with all relevant standards.*

*On instructions from our client, we provide this response to the matters raised in your letter.*

### *Background*

*P&N Bank is a bank that is based in Western Australia, and includes 14 local branches across the Perth region, Mandurah and Bunbury. It provides financial products and assistance which includes (but is not limited to) personal banking, home loans and insurance. In providing these products and services, our client aims to enrich the lives of its customers and their communities.*

*In respect of its values and beliefs, P&N Bank as a mutual organisation sees itself as comprising of community members who, although they may differ in some ways, can come together as a community to achieve their financial goals. This message often underpins our client's advertising materials as a marketing strategy to promote our client's brand and to engage both existing and potential customers.*

*Further, our client promotes its ethos by using the ampersand in the title of its name as a symbol for collective strength, which is further consolidated by our client's slogan "the power of &".*

*Given the above, the use of humorous juxtaposition is often deployed to promote the message that our client is a mutual organisation owned by community members who are multidimensional in their own right (i.e. "not one thing"), and that our client, as an organisation made up of those individuals, can support its customers in many different ways through mutual understanding.*

#### *The Advertisement*

*The Advertisement lasts for 30 seconds, and was aired on free-to-air television as part of our client's marketing campaign.*

*Of course, and particularly given that our client is a financial institution, the Advertisement is targeted at adults, not children.*

#### *Response to Complaint*

*The Complaint lodged in respect of the Advertisement appears to relate to the entirety of the Advertisement which, for the most part, depicts a woman encountering four common day-to-day life situations. In the Advertisement, each situation lasts for approximately 5 seconds and is shown sequentially. In each situation, the woman states a view or feeling about the situation, immediately followed by the woman stating an alternative view or feeling about the same situation.*

*The Advertisement concludes with a shot of the woman at her dining table, talking to a P&N Bank representative. The shot then forms a split screen, with the woman getting assistance from the P&N Bank representative on one side, and a shot of her obtaining assistance by scrolling through the P&N Bank website on the other side (the Final Scene).*

*During the Final Scene, a female voiceover states:*

- (a) "People aren't one thing, so neither are we."*
- (b) "P&N Bank is a partner by your side and a light touch."*
- (c) "P&N Bank, That's the power of &."*

*Our client is of the view that no part of the Advertisement, including the Final Scene, contains offensive, discriminatory or inappropriate material.*

#### *AANA Code of Ethics*

*We have had regard to all of the relevant advertising standards and, in particular, the AANA Code of Ethics (Code). It is respectfully submitted that the Advertisement does not breach any of the relevant standards.*

*As you have identified specific provisions of the Code as potentially having relevance to the Complaint, we deal with each of those provisions in turn.*

#### *Section 2.1 - Discrimination or Vilification*

*This section prohibits advertising from portraying people or depicting material in a way which "discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief".*

*We note that the Complaint raises concern in respect of the Advertisement as follows: "it portrays women as being very indecisive and two-faced." The Advertisement does not portray women in this way. As mentioned above, our client often deploys the use of humorous juxtaposition to convey, in a light-hearted manner, that people (of any kind) are by nature multidimensional, and that our client understands its customers and their needs (particularly given that our client comprises those individuals). Similarly, the Advertisement employs juxtaposition to promote this message.*

*Further, and notwithstanding the above, our client's message is consolidated in the Final Scene where the female voiceover states "people aren't one thing, and neither are we" and "that's the power of &." At the very least, it is clear by the Final Scene that the statements made by the woman in each situation was juxtaposed to emphasise that our client recognises that its customers are diverse and have individualised needs, and that our client understands those needs and can provide services to its customers accordingly.*

*On the above basis, the Advertisement does not contain any material which could be said to constitute discrimination or vilification.*

*The Advertisement is fully compliant with this section.*

#### *Section 2.2 - Exploitative or Degrading*

*This section prohibits advertising from employing sexual appeal where images of minors are used, or in a manner which is exploitative or degrading of any individual or group of people.*

*In this respect, the AANA Practice Note states that:*

- (a) exploitative means clearly appearing to purposefully debase or abuse a person, or group of persons, for the enjoyment of others, and lacking moral, artistic or other values; and*
- (b) degrading means lowering in character or quality a person or group of persons.*

*The Advertisement is not exploitative or degrading in any sense, and does not depict any minors at all, and so is fully compliant with this section.*

### *Section 2.3 - Violence*

*This section prohibits advertising from presenting or portraying violence unless it is justifiable in the context of the product or service advertised.*

*We note that the Complaint does not raise any concerns in respect of violence.*

*In any event, the Advertisement does not contain violence of any kind and so is fully compliant with this section.*

### *Section 2.4 - Sex, sexuality and nudity*

*This section requires advertising to treat sex, sexuality and nudity with sensitivity to the relevant audience. As foreshadowed above, the Advertisement is directed at adults, not children.*

*As mentioned above, a reason for concern identified in the Complaint was that the Advertisement “portrays women as being very indecisive and two faced”. This is misconceived. The Advertisement treats sex, sexuality and nudity with sensitivity in that:*

- (a) it respectfully depicts women in all scenes.*
- (b) it does not depict any nudity or images of scantily clad persons at all;*
- (c) it does not depict sexual acts or contain sexual content of any kind.*

*The Advertisement is fully compliant with this section.*

### *Section 2.5 - Language*

*This section requires advertising to only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) and to avoid strong or obscene language.*

*The Complaint does not raise any concerns about the use of inappropriate language.*

*In any event, the Advertisement does not contain any inappropriate language.*

*Accordingly, the Advertisement is fully compliant with this section.*

### *Section 2.6 - Health and Safety*

*This section prohibits advertising from depicting material contrary to Prevailing Community Standards on health and safety.*

*The Advertisement does not contain any unhealthy or unsafe practices, images or themes.*

*The Complaint does not raise any concerns about health and safety.*

*The Advertisement is fully compliant with this section.*

*Section 2.7 - Distinguishable as advertising*

*This section requires advertising to be clearly distinguishable as advertising to the relevant audience.*

*The Advertisement is prominently branded as an advertisement for P&N Bank and its services. There is no reasonable prospect of the Advertisement being confused with other content and we note that the Complaint does not suggest that any confusion has arisen.*

*The Advertisement is fully compliant with this section.*

*Next steps*

*We trust this letter addresses all of the issues which need to be addressed in this matter. We do not understand there to be any suggestion of concerns arising in respect of any other part of the Code or other applicable standards.*

*If further responses or information would assist the Panel, please let us know.*

*On the grounds outlined in this letter, we respectfully submit the complaint should be dismissed. We look forward to your determination.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement uses negative stereotypes about women.

The Panel viewed the advertisement and noted the advertiser's response.

**Section 2.1: Advertising 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, gender, age, sexual orientation, religion, disability, mental illness or political belief.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Gender – refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from ‘sex’, which refers to biological differences

The Panel noted that the Practice Note also includes:

*“Harmful gender stereotypes are unacceptable because they perpetuate unconscious bias and rigid norms of femininity and masculinity that shape what it means to be a girl, woman, boy or man...”*

*Advertisements should take care to avoid suggesting that skills, interests, roles or characteristics are:*

- *always uniquely associated with one gender (eg. family members creating a mess while a woman has sole responsibility for cleaning it up);*
- *the only options available to one gender; or*
- *never carried out or displayed by another gender, as this may amount to discrimination on the basis of gender.”*

### **Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?**

The Panel considered that while the main protagonist of the advertisement is a woman, the voice-over at the end of the advertisement clearly refers to people, and does not specifically mention gender or suggest that the woman has contrasting opinions because of her gender.

The Panel considered that the advertisement is depicting people as being multi-dimensional and is not suggesting that women are two-faced or indecisive.

The Panel considered that the advertisement did not depict material in a manner that was discriminatory or vilifying on the basis of gender.

### **Section 2.1 conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

