

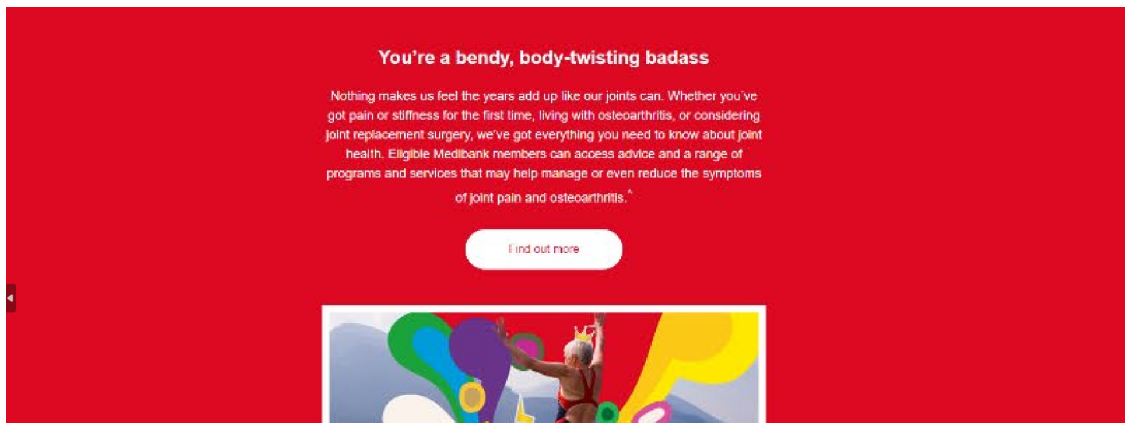
## Case Report

1. Case Number :	0191-23
2. Advertiser :	Medibank Private Ltd
3. Product :	Health Products
4. Type of Advertisement/Media :	Email
5. Date of Decision:	13-Sep-2023
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.5 Language

### DESCRIPTION OF ADVERTISEMENT



This email advertisement features the phrase, ""You're a bendy, body-twisting badass".

### THE COMPLAINT

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

*This Medibank Member correspondence was emailed to my 84 year old mother. The Subject line of the email reads "Jane, are you living with pain in your joints?" Upon opening the email to read further, the following statement appears in large font "You're a bendy, body twisting badass" Really?!? It is inappropriate that they have*

*used the word "badass" in an ad campaign sent to their senior members. It seems that we are all supposed to be mindful and sensitive about what we say these days and careful not to offend anyone, however this apparently excludes the senior citizens of Australia, who are the majority of our population. Younger generations are campaigning for respect and rights that may have been missing in our everyday dialogue including in advertising however what about maintaining or rather promoting the respect of our aged citizens and being mindful of what may offend them?*

## **THE ADVERTISER'S RESPONSE**

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

*Thank you for your correspondence dated 29 August 2023.*

*Our intention was not to offend anyone. In fact, our hero message in this campaign is to celebrate just how amazing the human body is and specifically how incredible our joints are to help us reach our full potential. The concept taps into the relatable notion that 'nothing makes you feel old quite like your joints.' We know that 1 in 5 Australians (22%) over the age of 45 have osteoarthritis and that increases to over one third of people in the 75 and over age group [1]. Acknowledging the prevalence of this condition with the audience we were targeting with this campaign; we want to inspire people to look after their joint health and know that they can access support no matter where they are in their health journey. The language used in the headline is intended to make people feel empowered to take care of their health, rather than limited, and to celebrate what their body is capable of with the confidence that there is support available to help them do so.*

*In reference to 2.5 of the code - Language, the decision to use the word 'badass' was carefully considered and was not meant to be used in an offensive and tone deaf sense for our older audiences, nor was it meant to exclude these older members, instead we intended to use it in the adjective sense, to mean a person can be courageous, strong, bold, fearless, tough, fierce. Tying it back to the relatable notion mentioned above, we wanted to demonstrate that getting older doesn't have to mean feeling old.*

*[1] <https://www.aihw.gov.au/reports/chronic-musculoskeletal-conditions/osteoarthritis>*

*This email is a health and wellbeing newsletter sent as a direct communication to Medibank members who are opted in to receive email marketing.*

## **THE DECISION**

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 concerns that the advertisement uses language which is inappropriate for the audience.

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

**Section 2.5: Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.**

The Panel noted that the advertisement includes the word 'badass' and was used in an email message targeted at people at risk of osteoarthritis.

The Panel noted the complainant's concern that senior people may not be familiar with the term used in this context and could find the language offensive.

The Panel noted the advertiser's response that the term was used in the sense of courageous, strong, bold, fearless, tough, or fierce.

The Panel acknowledged that some members of the community would prefer this kind of language not to be used in advertising, and that the colloquial term may not be understood by senior Australians or by people from non-English language backgrounds.

However, the Panel considered that the term is not used in an offensive or aggressive manner and was mild and appropriate to the circumstances.

### **Section 2.5 conclusion**

The Panel determined that the advertisement did not breach Section 2.5 of the Code.

### **Conclusion**

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