

Case Report

1. Case Number :	0222-23
2. Advertiser :	Simply Helping
3. Product :	Other
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	11-Oct-2023
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman saying: “Hi, I’m an actor with a serious voice. This is Jean. Jean’s old”.

Jean hears her name and smiles. Jean then looks less happy when she hears herself as being referred to as old.

The actor says, “Jean needs a bit of help around the house these days. So she called these guys... Boom!””. The actor delivers her line and does a ‘mic drop’ resulting in a hammer landing on Jeans foot. Jean reacts with “Ahhh!”

Helpers are then depicted doing various chores in the background. Jean is seated in a wheel chair in the foreground with her right foot is bandaged.

The actor says, “Simply Helping offers flexible in-home care services to anyone... not just the wrinklies”. She then grabs a hunk of cake and takes a big bite.

The actor says “So be like Jean. Feel like a queen”. Helpers are surrounding Jean who is seated in wheelchair. The actor puts a crown on Jean’s head. Jean jumps out of the wheelchair and they all dance.



THE COMPLAINT

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

“This is Jean she is old “is what the narrator says.....the ad is ageist and sexist and speaks and implies Jean is too old and inept to live independently. It is derogatory in tone and plays into sexiest and ageist stereotypes. It also refers to old people as wrinklies which isn’t funny but offensive.

I find the advertismment age discrimination.

THE ADVERTISER’S RESPONSE

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

We created an advertisement that was made in a light-hearted and fun way and to be different from the rather dull but typical ads currently appearing on television. There was certainly no intention to offend. Getting old and being old is a reality. We are undoubtedly in an era where some people are quick to be offended and look for a platform to do so. There is a generation of people who don’t like being reminded that we all get old and they fail to see humour in any public related formats – TV Ads, TV programs, Stand-Up comics, Social media posts and other. That does not mean that people don’t have the right to be upset, I just think they need to take a broader perspective.

From the outset we establish our the host (the actor) as a maladroit. In the space of 30 seconds she demonstrates this with her words and actions and it’s probably best demonstrated by her grabbing a handful of cake in the kitchen scene. In its purest form, this TVC is funny and it was designed that way. It challenges people to ask themselves ‘did she do that’ or ‘did she say that’ and pay close attention when they next view it.

We wanted something that would not get lost amongst other commercials. Bold and brave advertising requires all parties to face into challenges and alternate perspectives. We did receive 2 emails complaining about the word old, 2 -3 weeks ago being used, so while easier said than done, we have collectively given recent consideration to the script and made a modification. Ad Standards are unaware of this, but we are half way through the process of approving and distribution an updated TVC. We are replacing “Jean’s old” with “Jean’s too old for ladders”. It could be viewed as a Community Service Announcement. Molly Meldrum was 65 when he fell from a ladder and seriously injured himself. The amended TVC is currently in the approval process before distribution.

I just thought for the sake of it I'd Google "when are people old". This is the first thing that popped up...

60 years

The World Health Organisation believes that most developed world countries characterise old age starting at 60 years and above. However, this definition isn't adaptable to a place like Africa, where the more traditional definition of an elder, or elderly person, starts between 50 to 65 years of age. 10 Mar 2020

A few short years ago the world watched and listened to the WHO as a global authority. As it turns out, Jean is old, and Jean is also too old for ladders. Personally, I know I'm too old for ladders and a new age definition is on the horizon for me. I'm not offended... I haven't got the time or inclination to be.

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 complainants' concern that the advertisement is ageist.

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

Section 2.1: Advertising shall not portray 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 Practice Note to Section 2.1 provides the following definitions:

- *"Discrimination – unfair or less favourable treatment.*
- *Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."*

The Panel considered that Jean grimaces when she is called 'old' and this negative reaction indicates that she finds the term offensive.

The Panel considered that prior to the description of her as old, Jean is depicted as dusting a high-up place with no difficulty. The Panel considered that the younger woman's assumption that Jean is incapable of performing tasks such as dusting implies that old people are helpless and not capable of looking after themselves. The Panel considered that the term 'old' in itself is not discriminatory, however it's Jean's negative reaction to the term which suggests that she is offended and doesn't feel the description applies to her.

The Panel then noted the use of the term 'wrinklies' and considered that unlike the term 'old', this term was inherently negative and disrespectful.

The Panel noted the advertiser's response that the 'actor' was intentionally depicted as inept. The Panel considered that the woman's actions and words were intended to be exaggerated and humorous, but that this was not enough to counter the implied negative stereotype that older people are incapable. The Panel considered that despite the overall storyline and depiction of the 'actor' as a maladroit character, Jean remains the subject of the joke.

Overall, the Panel considered that the advertisement did portray older people in a vilifying way, through the suggestion that older people are helpless or incapable.

Section 2.1 conclusion

The Panel considered that the advertisement did portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of age and determined that the advertisement did breach Section 2.1 of the Code.

Decision

Finding that the advertisement did breach Section 2.1 of the Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

We struggle to accept your findings but have decided to make modifications to the ad

1. By removing the word 'wrinklies'
2. Changing the context for the word 'old' – toJean's old for ladders.