

## Case Report

1. Case Number :	0044-24
2. Advertiser :	Specsavers Pty Ltd
3. Product :	Health Products
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	21-Feb-2024
6. Decision:	Dismissed

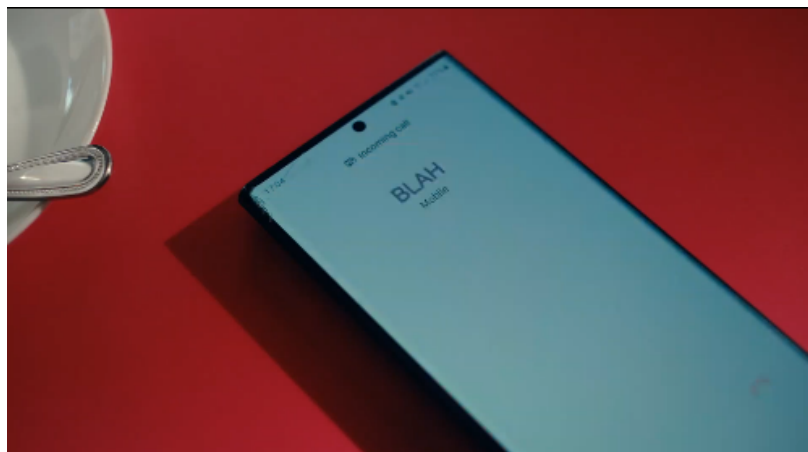
### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This television advertisement is set in a busy café where all people are using only the word “Blah”. It initially cuts between various people in the café engaged in “Blah” conversation: a waitress welcoming patrons at the entrance, a cyclist chatting with his friends, a lady talking to her barking dog and a mother with her child. The advertisement then introduces short cuts of other background noises in the café which add to the intensifying “Blah” conversation.

The advertisement cuts to a male and female entering the café and the background noise is reduced to a dull murmur. The entering male is shown to be wearing a hearing aid. As the couple arrive at their table, the voiceover says, “Cut through the blah to hear more of the sounds you want to hear, with Specsavers Advance hearing technology”.



## THE COMPLAINT

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

*I am writing to express my deep concern and strong offense regarding a recent advertisement I encountered for hearing aids. The ad insinuated that individuals with hearing impairments hear the world as "blah blah blah." As the father of a child with a hearing impairment, I was taken aback by the insensitivity and misrepresentation portrayed in this advertisement.*

*My child's hearing impairment is a complex and unique condition that cannot be reduced to such a simplistic and dismissive portrayal. This advertisement perpetuates harmful stereotypes and trivializes the challenges that individuals with hearing impairments face on a daily basis. It not only undermines the importance of understanding and accommodating hearing disabilities but also sends a hurtful message to those affected by them, suggesting that their experiences are inconsequential. As a parent, I am deeply offended by this advertisement's lack of empathy and respect for the hearing-impaired community.*

*Furthermore, I believe it is crucial for advertisers to be socially responsible and considerate in their messaging. It is my sincere hope that my complaint will prompt a reconsideration of the content produced by your company and lead to more inclusive and respectful representations of individuals with hearing impairments in the future. Our society should strive for greater awareness and acceptance of differences, and I believe it is essential for advertisers to play a positive role in this endeavor.*

## THE ADVERTISER'S RESPONSE

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

*We refer to your letter dated 5 February 2024. Please find below Specsavers' response for due consideration by the Ad Standards Community Panel.*

### 1. A description of the Advertisement

*The advertisement is set in a busy café where all people are using only the word "Blah". It initially cuts between various people in the café engaged in "Blah" conversation: a waitress welcoming patrons at the entrance, a cyclist chatting with his friends, a lady talking to her barking dog and a mother with her child. The advertisement then introduces short cuts of other background noises in the café which add to the intensifying "Blah" conversation.*

*The advertisement quickly cuts to a ringing bell on the front door which swings opens. A male and female enter the café and the background noise is reduced to a dull murmur. The entering male is shown to be wearing a hearing aid. As the couple arrive*

*at their table, the voiceover says, "Cut through the blah to hear more of the sounds you want to hear, with Specsavers Advance hearing technology".*

*The voiceover then says, "Book an appointment with our audiology professionals for high definition sound at low Specsavers prices". The scene then pans out to show the whole café with the couple in the middle, over which the Specsavers logo and the following text is displayed "High definition sound. Low Specsavers prices.".*

*We note that the complaint is in reference to the 30-second version of our "Blah" advertisement. In the interests of transparency, we note that there is also a condensed 15-second version which is essentially the same script and content. For your reference, we provide at section 3 below details of the CAD classification for both the 30-second and 15-second versions. We have otherwise responded to the complaint in reference to the 30-second version, noting that our responses at section 6 below equally apply to the 15-second version. Please do let me know if you require any further information about the 15-second version.*

## **2. Response to all parts of Section 2 of the AANA Code of Ethics ("Code")**

*As requested, below we address all aspects of Section 2 of the Code. In line with your request, our response is confined to Section 2.*

### **2.1 – Discrimination or vilification**

*We do not believe there is any discrimination or vilification on the basis of disability in the advertisement. No person or member of the disabled community is treated unfairly, less favourably or inferior to anyone else. No person or member of the disabled community is humiliated, intimidated or ridiculed, and no person or member of the disabled community is held in contempt or has hatred incited against them. We believe the advertisement complies with the Code in relation to Section 2.1.*

*We provide below excerpts of the specific issues in the complaint and our responses to each.*

*(a) "The ad insinuated that individuals with hearing impairments hear the world as "blah blah blah." As the father of a child with a hearing impairment, I was taken aback by the insensitivity and misrepresentation portrayed in this advertisement."*

*We are sorry to hear of the complainant's circumstances and that our latest advertisement for Specsavers Audiology has caused offence. We acknowledge that there are many different kinds of hearing loss which can manifest in different ways. The advertisement appeals to one very common symptom of hearing loss: difficulty hearing in background noise. Whilst this may not be a universal symptom for every person with hearing loss, it is one of the most common reported difficulties that our audiology professionals encounter in store.*

*Specsavers' clientele typically consists of adults over 26, a large proportion of whom are an older demographic. Specsavers does not dispense hearing aids to adults under 26 or children. That group receives government-subsidised audiology services through other nominated providers. Accordingly, our marketing material is tailored towards adults with hearing loss and the difficulties they might experience.*

*The two most common causes of permanent hearing loss in adults are age and exposure to loud noise. Approximately 50% of people aged in their 60s have some form of hearing loss, and that proportion increases to 80% for people aged 80 and over. For those with age-related or noise-induced hearing loss, a hallmark characteristic is reduced ability to hear high-frequency sounds. This type of hearing loss affects the ability to distinguish between different speech sounds, as a large number of consonants are relatively high frequency. Good high frequency hearing is crucial for effective communication in noisy environments, such as cafés and restaurants. Without it, the common perception is that individuals will hear someone talking, but they are unable to clearly make out what they are saying. Unfortunately, many of these individuals are not aware that their inability to "cut through the blah" is due to a progressive hearing loss which may be assisted by wearing hearing aids.*

*It is this recurring difficulty which we often see in store that has led to the creation of our "Blah" campaign. The advertisement is certainly not intended to insinuate that people with hearing loss only hear the word "Blah" – the word is simply used as a metaphor for background conversational noise. The advertisement seeks to highlight that for those who have difficulty conversing in background noise, there may be help available.*

*(b) "My child's hearing impairment is a complex and unique condition that cannot be reduced to such a simplistic and dismissive portrayal. This advertisement perpetuates harmful stereotypes and trivializes the challenges that individuals with hearing impairments face on a daily basis."*

*We again acknowledge that there are many different types of hearing loss that bring about different kinds of difficulties. The advertisement appeals to one of the most common difficulties experienced by adults with high frequency hearing loss. It does not purport to account for all types of hearing loss, nor does it contemplate hearing loss in children. Accordingly, we do not consider that the advertisement trivialises, dismisses or stereotypes hearing loss. On the contrary, we believe the phrase "Cut through the blah" aptly summarises one of the key reasons why our customers come to us for assistance with their hearing.*

*(c) "It not only undermines the importance of understanding and accommodating hearing disabilities but also sends a hurtful message to those affected by them, suggesting that their experiences are inconsequential. As a parent, I am deeply offended by this advertisement's lack of empathy and respect for the hearing-impaired community."*

*We respectfully disagree with this comment. Specsavers understands the impact that hearing loss can have on both affected individuals and the people around them. Since Specsavers entered the Australian audiology market in 2017, our mission has been to improve the lives of Australians through better hearing.*

*In pursuit of that goal, we have conducted over two million free hearing checks and as at the date of this letter, offer audiology services in 297 of our Australian stores. Part of the process of achieving that mission is to increase awareness of hearing loss and to let the public know that if they are experiencing difficulty, we may be able to help. We do not consider that the advertisement detracts from our above mission or in any way undermines or disrespects hearing loss as a condition or those affected by it.*

## *2.2 – Exploitative and degrading*

*Section 2.2 of the Code addresses the use of sexual appeal in a manner that is exploitative or degrading. There is no use of sexual appeal in the advertisement. We therefore believe that the advertisement complies with the Code in relation to Section 2.2.*

## *2.3 – Violence*

*There is no violence depicted in the advertisement. We therefore believe that the advertisement complies with the Code in relation to Section 2.3.*

## *2.4 – Sex, sexuality and nudity*

*We do not believe there is any sex, sexuality or nudity in the advertisement. We therefore believe that the advertisement complies with the Code in relation to Section 2.4.*

## *2.5 – Language*

*We do not believe there is any inappropriate language in the advertisement. We therefore believe that the advertisement complies with the Code in relation to Section 2.5.*

## *2.6 – Health and Safety*

*We do not believe the advertisement depicts material contrary to prevailing health and safety standards. We therefore believe that the advertisement complies with the Code in relation to Section 2.6.*

## *2.7 – Distinguishable as advertising*

*We believe the advertisement is distinguishable as advertising and as a marketing communication. The Specsavers logo is used in the marketing message. The*

*advertisement complements Specsavers' goal to encourage those with hearing loss that is impacting their day-to-day enjoyment of life to act on it. We therefore believe that the advertisement complies with the Code in relation to Section 2.7.*

#### *AANA Advertising and Marketing Communications to Children Code*

*We believe that the advertisement does not contravene the Advertising and Marketing Communications to Children Code as the advertisement is not directed to children, having regard to the theme, visuals and language use which may suggest any direction to children. In particular:*

- (a) the hearing aid user in the advertisement is himself an adult;*
- (b) the product promoted (and the associated call to action) is a hearing aid. Specsavers does not fit hearing aids to children;*
- (c) there is nothing in the theme or imagery of the advertisement which is directed towards children;*
- (d) the advertisement does not use language which is intended or likely to capture a child's attention or engage a child; and*
- (e) the advertisement tells stories from an adult's perspective and gives adults' reactions. As noted by the Practice Note, the above factors suggest it is unlikely that that advertisement is directed to children.*

#### *AANA Food and Beverages Advertising Code*

*The AANA Food and Beverages Advertising Code does not apply to the advertisement. The advertisement is not advertising any food or beverage products.*

#### *AANA Wagering Advertising and Marketing Communications Code*

*The AANA Wagering Advertising and Marketing Communications Code does not apply to the advertisement. The advertisement is not advertising any wagering or gambling products and Specsavers is not a licensed wagering operator.*

#### *AANA Environmental Claims Code*

*The AANA Environmental Claims Code does not apply to the advertisement. The advertisement does not make any environmental claims.*

#### *FCAI Motor Vehicle Code*

*The FCAI Motor Vehicle Code does not apply to the advertisement. The advertisement is not advertising any motor vehicle products.*

*We trust the above response is sufficient, but in the event you require any further information, please do not hesitate to contact me.*

## 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 concern that the advertisement perpetuates harmful stereotypes and trivialises hearing loss.

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

Disability - a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness.

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

The Panel noted that hearing impairment is a physical impairment and considered that this would fall within the definition of disability for the purposes of this matter.

The Panel noted that the use of the word 'blah' in the advertisement is to simulate the variety of unidentifiable sounds that can be heard in a public environment. The Panel considered that the intention of the advertisement is to present one kind of hearing impairment in a way in which people can identify with, in order to offer a possible solution. The Panel acknowledged that not all hearing impairments are the same and the promoted products would not be beneficial to everyone.

The Panel considered that the the depiction of people with hearing impairments in the advertisement was not done in a way that indicated unfair or less favourable treatment, and does not humiliate, intimidate or incite hatred, contempt or ridicule of people with hearing impairments. The Panel considered that the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of disability.

**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 disability, 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.