

Case Report

1. Case Number :	0071-24
2. Advertiser :	Simply Helping
3. Product :	Professional Service
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	20-Mar-2024
6. Decision:	Dismissed

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 too old for ladders”.

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 wheelchair in the foreground with her right foot bandaged.

The actor says, “Simply Helping offers flexible in-home care services to anyone”. 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 a 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:

The ad is offensive through ridiculing elderly or older people in the community, with specific reference to an elderly woman. This ad has offended me by featuring an elderly woman, 'Jean,' as mentally and physically incompetent, and subjects her to ridicule. It does this through the device of a 'ditzy' young woman narrator, who is shown applying make-up to her face at the opening, and smashing a cake at the end (in the presence of Jean). The 'ditzy' narrator shows Jean as 'ditzy' herself, unable to climb ladders and attend to certain tasks in the home, and as requiring assistance from a service such as 'Simply Helping.' Whilst I am not denying that people of any age may require assistance in the home, for a multitude of reasons, I am really concerned that this ad is preying on negative community attitudes towards older people.

THE ADVERTISER'S RESPONSE

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

We are undoubtedly in an era when some people are quick to be offended and look for a platform to do so. That we all get old is a reality for most, and some people fail to see humour in any public related formats – TV Ads, TV programs, Stand-Up comics, Social media posts and other. Not all humour is received by all in the same way, and no doubt some may even be offended. I think they need to take a broader perspective, take into account the intent of such humour and recognise that not all people think like they do.

This revised ad which passed your Committee's standard last year, takes the direction of light heartedness with a comedic twist. From the outset we establish our host as a maladroït. 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 Ad 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.

The comments from the complainants that the narrator is 'ditzy' is also quite offensive and unnecessary, but again shows perspectives can be different through their interpretations of what they see or hear. We have also received positive comments that seeing a light hearted approach to supporting the elderly as refreshing when compared to the ubiquitous ads currently airing.

This ad is neither vilifying or discriminatory. It is unsettling to think that in today's society of expression and free speech that a complaint based on such a narrow interpretation now seems to slot into the category of political incorrectness for some.

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 ridicules elderly people.

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

The Panel noted that the advertiser made reference to the advertisement "passing...Committee's standard last year" and considered that that interpretation was not accurate. The Panel noted that an earlier version of the advertisement had been found to breach the Code and the current version was considered to have been modified sufficiently to address the breach but had not been formally assessed.

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 it is said that she is "too old for ladders" and this negative reaction indicates that she finds the term offensive. The Panel considered that before the description of her as "too old for ladders", Jean is depicted as dusting a high-up place with no difficulty, and the implication is that although she can reach a certain height, she needs assistance to go further.

The Panel considered that it can be unsafe for many people to use ladders and even though older people may not appreciate a suggestion that they cannot or should not complete certain tasks, such a suggestion does not by itself amount to age discrimination.

The Panel noted the advertiser's response that the actor character was depicted as the person who should be ridiculed. The Panel considered that the woman's actions were exaggerated and humorous, but that this would not necessarily negate a suggestion that older people are incapable. The Panel considered however that the advertisement did not suggest that all older people are unable to care for themselves

or their homes, but rather presents options for home help including cooking, cleaning and home maintenance tasks that the business can assist with.

Overall, the Panel considered that the advertisement did not portray older people in a discriminatory or vilifying manner.

Section 2.1 conclusion

The Panel considered that the advertisement did not 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 not breach Section 2.1 of the Code.

Decision

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