

## Case Report

1. Case Number :	0150-24
2. Advertiser :	Police & Nurses Limited trading as BCU Bank
3. Product :	Finance/Investment
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	5-Jun-2024
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This billboard advertisement features a photo of an elderly woman, with the text "Need a loan? Plan A: Westpac, Plan B: wait for gran to..." and "get a better back-up plan".



### THE COMPLAINT

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

*The ad, by suggesting that people 'wait until grandma' dies, to obtain money promotes the messages that: 1) older people, particularly women, are only valuable for their inheritance money. 2) elder abuse is ok. We already know about financial abuse of elders and elders being pressured into agreeing to Voluntary Assisted Dying. This billboard ad contributes to expediting the murder of elders to get ahold of their inheritance money.*

### **THE ADVERTISER'S RESPONSE**

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

*BCU Bank*

*BCU Bank is a division of Police & Nurses Limited following the successful merger between Bananacoast Community Credit Union Ltd and Police & Nurses Limited. BCU was originally created in the early 1970's, formed by a small group of business owners to provide a local, realistic banking alternative to the big banks.*

*As a customer-owned organisation, BCU Bank has a proud history of supporting its members and their local communities. We have been the recipient of many prestigious awards which highlight our commitment to fairness and enriching the lives of our customers.*

*BCU Bank (through Police and Nurses Limited) is a member of the Customer Owned Banking Association and subscribes to and follows the Customer Owned Banking Code of Practice, which clearly and transparently outlines what a customer can expect when dealing with BCU.*

*BCU Bank complies with this Code in all its dealings and incorporates this Code by reference in its written Terms and Conditions for products and facilities to which the Code applies.*

*The Code is underpinned by seven key promises. These promises are the principles that form the basis of the Code, informing all other provisions and obligations.*

*We will deliver banking services in the interests of our customers.*

*We will obey the law.*

*We will not mislead or deceive.*

*We will act honestly and fairly.*

*We will offer products and services that are fit for general purpose.*

*We will deliver services with reasonable care and skill.*

*We will contribute to our community.*

*BCU Bank takes its legal and governance obligations extremely seriously and believes that the advertisement complies with all relevant standards.*

*Advertisement*

*The advertisement that is the subject of the complaint is part of BCU Bank's "Get a better backup plan" marketing campaign which ran from 03 April to 13 May 2024.*

*The complaint appears to proceed on the basis that the advertisement encourage those exposed to the advertisement to treat 'Gran' as a source of wealth and to take steps to obtain money from her. With respect, that is the exact opposite of the message in the advertisement.*

*Premise of the "Get a better back-up plan" campaign.*

*The campaign was fuelled by industry and category research that BCU Bank commissioned with YouGov, a well-respected research organisation, and insights from real customers in our target market.*

*Insight 1: Most consumers have a primary banking relationship with a "big 4" bank, that naturally would be their "Plan A" when looking to obtain a lending product such as a home loan.*

*Insight 2: Many consumers find it difficult to save a sufficient deposit to support a home loan from their primary income, so seek to rely on a "Plan B" of side hustles, secondary work, support from family members, or an expected inheritance to help achieve their financial goals.*

*Insight 3: Most Australians still bank with their childhood bank.*

*The campaign used these insights to develop adverts that appeal to consumers looking to take proactive steps towards financial independence and prosperity, which might include a loan. The adverts assumed most consumers would turn to their existing bank (namely a big 4 bank) as their 'Plan A' and some of the popular money-making scenarios identified through our research as their 'Plan B'. BCU Bank then suggests for consumers to reconsider their Plan B for a more viable option such as trying a new bank like BCU Bank.*

*To develop and deliver the campaign, BCU Bank partnered with Australian-owned and operated agency, The Hallway. In addition to winning numerous industry-recognised awards, we elected to go with The Hallway for their strong corporate social responsibility and ethical approach to business. As part of the project management, The Hallway had a strong quality assurance process which ensured a review of all outputs against ad and industry regulations.*

*AANA Code of Ethics – Section 2.1*

*The letter from Ad Standards requests that BCU Bank's response to the complaint addresses section 2.1 of the AANA Code of Ethics and make reference to*

*discrimination/vilification of age. We understand that this section has been referred to because of following statement from the complaint:*

*“[T]he advertisement suggesting that people 'wait until grandma' dies, to obtain money promotes the messages that: 1) older people, particularly women, are only valuable for their inheritance money. 2) elder abuse is ok.”*

*Contrary to the complaint, the advertisement is not suggesting that consumers “wait for Gran to die to obtain money” (or that older people are only valuable for their inheritance or that elder abuse is ok). In fact, the advertisement’s wording “Plan B: Wait for Gran to...” plays up on the insight that many Australians are hopeful and/or waiting to receive a windfall from a relative for the purpose of convincing them that this not a good plan (and the better plan would be to talk to BCU Bank).*

*While BCU acknowledges that it is open to imply from the wording “waiting for Gran to...” that the particular Plan B is an inheritance on the death of a relative, that is not directly stated in the advertisement. It may be equally implied that the Plan B is waiting for “Gran” to gift some money, provide a living inheritance, or allow the use of her home upon downsizing – all of which are potential “Plan B’s” to homeownership that Australians may seek to rely on. Each interpretation is based on the current balance of intergenerational wealth and that, for many, waiting or wishing for an inheritance or financial support from an older, wealthy family members is part of their plan to reach their financial goals.*

*Regardless of the interpretation taken, the depiction of “Gran” is not in manner that humiliates, intimidates, or incites hatred, contempt, or ridicule, including on the basis of age. To the contrary, the advertisement is urging consumers that instead of relying on an expected or wished for inheritance or gift from a wealthy family member as their “Plan B”, it would be better to approach BCU Bank. The advertisement is gently mocking in a humorous way those who would rely on an inheritance or gift as a viable plan to support their financial goals by urging them to “Get a Better Back-Up Plan” by contacting BCU Bank. The advertisement is deriding those who would simply view “Gran” as a source of wealth. This is supported by the AI generated image of “Gran” which, in our view, presents her as a stern, no-nonsense woman who is not going anywhere.*

*The use of “Gran” as opposed to, say, “Grandad” does not depict or portray any unfair or less favourable treatment of “Gran” (or in general, the elderly or elderly woman) compared to any other group. “Gran” is appropriate because life expectancy for women exceeds that for men. Intergenerational wealth will therefore more likely ultimately vest in “Gran” rather than “Grandad” or any other family member. Again, while playing on this reality, the advertisement is not doing so in a way that*

*discriminates or vilifies “Gran” (or the elderly, or elderly women in general). The advertisement is not supporting or promoting that consumers should continue to anticipate or rely on an inheritance or gift from a wealthy relative to meet their financial needs or simply see “Gran” as a mean to a financial end. It is instead prompting consumers to think of BCU Bank as a better back-up plan rather than waiting for or wishing for an inheritance or other forms of financial assistance from others.*

*With reference to the AANA Guidelines, the depiction of “Gran” in no way suggests that she (or the elderly, or elderly women in general) is ridiculous, unintelligible, unable to recognise dangerous situations or comparable to animals or objects. As above, the depiction of her and the advertisement in general is to deride and gently mock those who would rely on an inheritance or gift from Gran as their Plan B and urging them to “Get a Better Back-Up Plan” by contacting BCU Bank. The only potentially negative depiction involved in the advertisement is of someone who sees “Gran” as their “Plan B” to home ownership and not of “Gran” herself.*

*AANA Code of Ethics – other sections*

*No reference to exploitative or degrading acts (section 2.2 of the Code).*

*The advertisement does not employ sexual appeal.*

*No reference to violence (section 2.3 of the Code).*

*We note that the complaint refers to abuse and assisted suicide. The advertisement does not refer to or depict violence, nor does it incite it. As discussed above, while one interpretation of the reference to “Plan B: Wait for Gran to...” is that consumers might currently be anticipating an inheritance, there is no direct reference to death and the advertisement through its language and otherwise in no way urges or promotes (or even implies) that consumers take any untoward actions to obtain an inheritance. The advertisement intends to push thinking the other way as it derides those who would rely on an inheritance as their “Plan B” to achieve their financial goals and urges them to “Get a Better Back-Up Plan” by contacting BCU Bank.*

*Not reference to sex, sexuality, or nudity (section 2.4 of the Code)*

*The advertisement does not refer to or depict sex, sexuality, or nudity.*

*Appropriate language is used throughout the Advertisement (section 2.5 of the Code)*

*No strong or obscene language is used in the advertisement. The reference to “Plan B: Wait for Gran to...” and its implied meanings are discussed above in our comments on sections 2.1 and 2.3.*

*The advertisement not contrary to health and safety (section 2.6 of the Code)*

*The language and imagery used in the advertisement does not depict unsafe practices and it does not promote behaviour that is contrary to prevailing community standards*

*on health and safety. The references to elder abuse in the complaint are discussed above in our comments on 2.1 and 2.3.*

*Advertisement distinguishable as advertising (section 2.7 of the Code)*

*It is clear from the overall presentation of the advertisement that it is advertising including through:*

*The use of BCU Bank branding and get-up, including reference to BCU Bank and the use of its logo twice in the advertisement.*

*The headline question of “Need a loan?” relating to a commonly requested financial service.*

*The display of the advertisement on a billboard commonly used for advertising.*

*Remainder of the Code*

*We have considered the advertisement against the remainder of the Code and do not consider that it is in breach of any section.*

*Other Codes*

*For completeness, we submit that no other codes are relevant to this advertisement.*

*The advertisement is not for a food or beverage product (AANA Food or Beverages Code), a vehicle (FCAI Motor Vehicle Code), or from a licensed wagering operator (Wagering Advertising and Marketing Communications Code), does make any environmental claims (AANA Environmental Claims Code) and is not aimed at children (AANA Code for Advertising and Marketing Communications to Children).*

*Next Steps*

*We trust we have addressed all of the issues which need to be addressed in this matter.*

*Of course, if further responses or information would assist the Panel, please let us know.*

*On the grounds outlined above, we respectfully submit the complaint should be dismissed.*

## **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 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.*
- *Age – based on a person’s actual age (i.e. from the date they were born) and not a person’s biological age (i.e. how old they may appear)*

The Panel noted the Practice Note to Section 2.1 states:

*“A negative depiction of a group of people in society may be found to breach Section 2.1, even if humour is used. The depiction will be regarded as a breach if a negative impression is created by the imagery and language used in the advertisement of a person or group of people on the basis of a defined attribute listed above. Advertisements can humorously or satirically suggest stereotypical aspects of a group of people in society provided the overall impression of the advertisement does not convey a negative impression of people of that group on the basis of one or more of the attributes listed above.”*

The Panel noted the advertiser’s response that the advertisement is intended to gently mock, in a humorous way, those who would rely on an inheritance or gift as a viable plan to support their financial goals.

The Panel noted the complainant’s concerns that the advertisement suggests that older women are only valuable for their inheritance and that elder abuse is ok.

The Panel considered that the woman depicted in the advertisement appeared strong and healthy and that there was no suggestion in the advertisement that she was not valued or cared for. The Panel considered that the advertisement does not explicitly say “wait for gran to die” and the ellipsis suggest that such an occurrence is so undesirable that it cannot be written in full. The Panel considered that the overall messaging in the advertisement was that there are better options for finance than waiting for an inheritance.

The Panel considered the advertisement does not show the woman to receive unfair or less favourable treatment because of her age, nor does it humiliate, intimidate, incite hatred, contempt or ridicule of the woman. The Panel concluded that the advertisement did not discriminate against or vilify the woman on the basis of her age.

### **Section 2.1 conclusion**

The Panel found 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.