Case Report

1. Case Number :	**0201-24**
2. Advertiser :	**Children's Medical Research Institute/Jeans for Genes**
3. Product :	**Community Awareness**
4. Type of Advertisement/Media :	**Radio**
5. Date of Decision:	**7-Aug-2024**
6. Decision:	**Upheld – Modified or Discontinued**

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a child saying, "one in 20 kids face a birth defect or genetic disease head on. Mine's cancer. Others have Autism or Cystic Fibrosis. But we're not scared. We'll fight every day. Because we know you're on our side. Fight with me. Fight for me. Please give today at genesforjeans.org.au to help find cures for children's genetic diseases".

THE COMPLAINT

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

The ad on the radio is ableist an highly offensive. It refers to Autosm as a genetic condition or birth defect and implies it needs a cure, it's seeking money to research for a cure to autism.
I contacted jeans for genes and they justified this as its a tag line written by a parent of someone with autism yet confirmed they have had many complaints about this abelist advertisement. Autism is not caused by a genetic abnormality, it is not a birth defect however is a co-morbitity with many genetic conditions, that doesn't mean there's a need to specifically use it as an example of a genetic condition or birth defect and imply it ees to be cured. Someone who is I abetting and is neuro-typical also doesn't get to decide that this ableist advertisement isn't offensive because it's just a tag line or because someone who's parents to someone with autism wrote it.
The advertisement is highly offensive and jeans for genes are aware of this yet refuse to do anything justifying their ableist statements.

THE ADVERTISER'S RESPONSE

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

From AANA Discussion Paper:
DISABILITY - A realistic depiction of people with a disability can be acceptable, even if the advertisement may be upsetting to some members of the community, where there is an important message being delivered.

(Ref: https://aana.com.au/content/uploads/2019/09/AANA-Code-of-Ethics-Review-Discussion-Paper-September-2019.pdf)

CMRI response:

What we see as key issues from the complaint to address are:
1. Justify that autism is a genetic condition
2. Justify that research into autism and cures are needed (i.e. explain that we have an important message to deliver)

Definitions:
A birth defect is a congenital abnormality (usually morphological/developmental). Spina bifida is an example of a birth defect. (Learn more here: https://www.who.int/health-topics/congenital-anomalies#tab=tab_1)

A genetic disease is a condition due (at least in part) to identifiable changes in genes. https://www.genome.gov/For-Patients-and-Families/Genetic-Disorders

Autism spectrum disorder (ASD) can be a genetic disease because changes in genes are involved in causing the condition. 25% of cases have been attributed to genetic causes (https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5609623/) but the modulation of genes involved is complex, which is what produces such a spectrum of phenotypes: https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6710438/.
Genes for autism are still being identified https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5501701/), and "heritability can be linked to 50%-90% of all cases". In addition, there are 2-4% of cases where a single gene change is known to cause autism (https://medlineplus.gov/genetics/condition/autism-spectrum-disorder/#causes).

While our tagline is 'Finding cures for children's genetic diseases' we understand that many conditions may not be curable; however, better treatments that can improve quality of life are possible, this is especially true for birth defects and ASD. However, the possibility of curing some forms of autism is also possible. Some autism genes

currently being investigated internationally for gene therapy cures are described here: https://pubmed.ncbi.nlm.nih.gov/34828273/

As our understanding improves around all the factors contributing to autism, including genetics, the likelihood of finding new treatments to help alleviate or even cure some of the symptoms increases. This means more options for those affected by this disorder, so it's important for our supporters in the community to understand that autism is an area where more options may one day be available.

We don't mean to offend, only educate on the complex nature and varied examples of genetic diseases, including ASD, and how research can improve understanding and treatment options for those severely affected. We understand that this condition is a 'spectrum' with a wide range of severities resulting from the involvement of dozens of genes. It is complex and not everyone needs or wants treatment, but some families feel they want better options.

Some examples of our work are in the area of Synapse Proteomics, which seeks a better understanding of neurotransmission that will help us determine which genes are implicated in a range of diseases like epilepsy, autism and Alzheimer's disease. It also tells us about learning and memory.

Synapse Proteomics: https://www.cmrijeansforgenes.org.au/research/research-teams/synapse-proteomics

Here are some links to other research relevant to autism we've conducted in the past:
https://elifesciences.org/articles/62873
https://www.smh.com.au/national/aussie-family-reveals-gene-secrets-20050803-gdlstz.html

There is no easy way to talk about the complex nature of our work. Disease, defect, disorder, syndrome or condition are words to describe a complex health issue. They do not define a person. As a research institute, we prefer not to engage in debates about terminology or the imperfectness of language. Our focus is on raising awareness, advocating for families negatively impacted, and raising funds for research that can help more children lead long, happy and healthy lives.

Because of the phone complaint we received with regard to the original ad, and as we were not featuring any ambassadors with autism in this year's campaign, we decided to replace the ad to the updated version that does not mention autism, so the core message of our research could be communicated without detractors of autism research becoming focused on that part of the message alone. We, however, would like to resolve this complaint so that we can continue using the original ad in future if we feel it is relevant to recognise the stories of our ambassador children in any particular year.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether the version of this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement was highly offensive referring to autism as a genetic condition.

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

The Panel noted the Practice Note to Section 2.1 states:

> *"A realistic depiction of people with a disability can be acceptable, even if the advertisement may be upsetting to some members of the community, where there is an important message being delivered."*

The Panel noted the advertiser's response that Autism Spectrum Disorder (ASD) is a genetic disease because changes in genes have been shown to cause the condition in some cases.

The Panel acknowledged that the condition may meet the medical criteria for a genetic disease, however considered that the audience for this advertisement was not doctors or medical researchers.

The Panel considered that the term 'disease' has negative connotations in the general community, and to a lay person this suggests something that is always a negative, unwanted condition that causes suffering for which a cure is available or sought. The Panel considered that the concluding statement of the advertisement referring to finding a cure was a suggestion that all people who have ASD need to be cured.

The Panel acknowledged that some people with ASD may live with severe and debilitating symptoms, which they may wish were able to be treated or reduced.

However, the Panel also acknowledged that many people with ASD view the condition as a form of neurodivergence, which is a part of who they are, and which does not need to be treated or cured.

The Panel considered that the advertisement's use of the word disease to refer to Autism and the suggestion that this needs a cure created a negative overall impression of people with ASD. The Panel considered that more care should be taken when referring to neurodivergent conditions in advertising to ensure that the wording does not suggest that neurodivergent people are suffering from a disease that needs to be cured or that people with the condition are a genetic mistake.

Section 2.1 conclusion

The Panel found that the advertisement did breach Section 2.1 of the Code.

Conclusion

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

THE ADVERTISER'S RESPONSE TO DECISION

CMRI made available a modified advertisement from 16 July 2024, and discontinued the original advertisement.