# Case Report

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| **1. Case Number :** | **0215-24** |
| **2. Advertiser :** | **Alpha Support at Home** |
| **3. Product :** | **Professional Service** |
| **4. Type of Advertisement/Media :** | **TV - Free to Air** |
| **5. Date of Decision:** | **28-Aug-2024** |
| **6. Decision:** | **Dismissed** |

**ISSUES RAISED**

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.6 Health and Safety

**DESCRIPTION OF ADVERTISEMENT**

This television advertisement depicts older Australians in a nursing home rebelling against activities like knitting and bingo. They march outside under a banner which says "freedom".
The advertisement ends with “Say no to the nursing home. Choose support at home".

**THE COMPLAINT**

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

*This ad completely undermines and diminishes the hard work of nursing homes and those employed in aged care, while making the elderly look like spoiled brats.*

*Degrading older people and demeaning nursing homes and undermining staff and the care given to patients. Sends an appalling message to people considering putting family into a nursing home.*

*As a newly retired acute hospital social worker I find this advert very irresponsible as it trades in the fear many of our older citizens have of entering residential aged care. It even refers to them as 'nursing homes' which is a term no longer used with often frightening connotations. Sadly for some people community care is no longer a viable option and as most people prefer to remain at home this advert utilises 'humour' to portray the awfulness of this type of care.*

*The ad did not mention what services the company provided, just depicted seniors in a residential aged care facility (nursing home) leaving the facility, or breaking out of the facility in protest. The ad is directed at a vulnerable population and is misleading. Most of the characters in the ad appear capable, whereas nursing homes are now only high care facilities - residents are there for physical and/or cognitive challenges, and are there for health and safety reasons (24/7). The residents are there because it is not safe for them to remain at home. If the residents had the abilities that the ad suggests, they would not be eligible to be in a nursing home and would be at home receiving support. I happened to see the ad while I was visiting a residential aged care facility and I can see how the ad would mislead vulnerable seniors at home, or be upsetting to existing residents. The ad is misleading about having the freedom of choice and disrespectful to our vulnerable senior population and to the healthcare services that provide for them.*

**THE ADVERTISER'S RESPONSE**

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

*Discrimination or vilification/ Exploitative or degrading.*
*Far from discriminating against or vilifying any specific part of the community, the commercial is designed to celebrate freedom of choice.*

*The campaign strategy and creative concept was developed in response to research conducted by Roy Morgan as part of the Australian Government's 2020 Royal Commission into Aged Care Quality and Safety, which that shows around 80% of older people want to stay at home as they age.*

*The commercial has been written to present a fictitious, larger-than-life story of empowered individuals who are actively choosing to voice their perspective. Rather than discriminating or vilifying older Australians, these characters are deliberately portrayed as active and able, so as to demonstrate that residential care facilities are not the only option available and that in-home care is better suited to some people and in particular circumstances.*

*The characters in the commercial partake in expected activities that one may find in a stereotypical nursing home scenario. However, the players actively reject these*

*activities in an act of self-determination and choice. At no stage in the commercial is anyone described or portrayed in a disparaging way. Likewise, great care was taken to ensure the characters representing staff from the facility are not treated poorly or represented in a negative manner. Also, the fictitious nursing home is not based on any existing residential care provider facilities.*

*The tone and manner of the commercial is fun and inclusive and in keeping with prevailing community standards of what's appropriate for airing in a broadcast setting.*
*The commercial is targeting those older Australians for whom the alternative of receiving support and care at home as they age exists, many of whom are not aware of the availability of in-home support. It deliberately represents older Australians as people who have a clear point of view and preferences around what support they choose and where, with the right to make their own choice around that. As opposed to vilifying or denigrating older Australians, by depicting them as vibrant, aware, independent, and self-determined people, we are presenting a positive portrayal of older Australians.*

*This is supported by the many, many positive and complimentary comments and messages we've received from members of the public from this target audience about our commercial.*

*Violence.*
*The presentation of the campaign is confidently tongue-in-cheek and the action is delivered in a theatrical, comedic style.*
*The mood of the scenarios is fast-paced and conveys a feeling of high energy and fun, however there are no scenes where any person is injured, harmed, attacked or frightened, nor that represent realistic violence in the commercial.*

*1. Ageing and Aged Care Survey, Research Paper 4, July 2020*
*https://apo.org.au/sites/default/files/resource-files/2020-07/apo-nid306866.pdf*

*Sex, sexuality and nudity.*
*There is no portrayal of sex, sexuality or nudity in the commercial.*

*Language.*
*The commercial does not include any inappropriate or offensive language.*

*Health and safety.*
*A safety officer was present during the production of the commercial. The commercial does not feature any action that could be construed as promoting any dangerous or unsafe behaviours.*

*Distinguishable as advertising.*

*The commercial has familiar cues that make it easily recognisable as an advertisement including the style of music, performances and story itself.*
*We have received high levels of engagement from the general public about this commercial, and without fail all of them refer to it as an 'ad'. This supports our position that the concept is clearly distinguishable as advertising.*

**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' concerns that the advertisement:

- is degrading for older people
- promoted resistance to go into a nursing home.

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 noted the Practice Note to Section 2.1 states:

> *"Advertising which shows members of a certain group as ridiculous, unintelligible or unable to recognise a dangerous situation incites ridicule towards their behaviour.*
>
> *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 considered that the elderly people were portrayed as the heroes of the story, and while their behaviour was humorous, they were not portrayed in a manner which was mocking or humiliating.

The Panel considered that the overall message of the advertisement was intended as empowering older people to make decisions about their care. The Panel considered that the advertisement did not discriminate against or vilify a section of the community on account of age.

**Section 2.1 conclusion**

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

**Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel considered that the decision to go into residential care is often difficult for elderly people and their families and acknowledged that the themes of this advertisement may show a lack of sensitivity to this issue.

The Panel considered that the advertisement did not encourage harm or abuse to people working at such facilities.

The Panel considered that the people depicted in this advertisement were shown to be able-bodied and cognitively capable, and the messaging in the advertisement was about empowering such people to make their own decisions.

The Panel also considered that the message in the advertisement is about getting the right type of assistance for aged care needs, and was not discouraging people from seeking help or assistance.

Overall, the Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety.

**Section 2.6 conclusion**

The Panel considered that the advertisement did not breach Section 2.6 of the Code.

**Conclusion**

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