

COMPLAINT NUMBER	18/136
COMPLAINANT	D. Agate
ADVERTISER	2degrees Mobile
ADVERTISEMENT	Digital Marketing, Television
DATE OF MEETING	8 May 2018
OUTCOME	No Grounds to Proceed

Advertisement: The advertisement for 2degrees showed people in various scenarios and said, in part: “The world is always chatting. Big teeth say run. No teeth also say run.” The advertisement showed a stuffed Sabretooth Tiger followed by a delivery driver with missing teeth. The advertisement continued: “No tie says I am important enough not to wear a tie and activewear says I’m off to the gym even though you’re just going for a muffin. You see communication is second nature and we’d like to keep it that way.”

The Chair ruled there were no grounds for the complaint to proceed.

Complainant, D Agate, said: “I have requested a response from 2degrees and they acknowledged this complaint but have not replied in the time they stated. My concerns are with the discrimination found in the advert, against people who have missing teeth. I myself am a denture wearer who had to have teeth removed do to a health condition. I consider myself a good person, not one who people should run away from. The script in the advert says "No teeth also says run" and shows a man with no teeth. I realise this is an attempt at humour, but I felt I wanted to point out to 2degrees that it is not okay to make fun of people with disabilities like they have. I find this to be a fair comment, and I am a little disappointed they have not replied to my concerns. It has been 7 days since they sent an automatic reply stating they would reply in 1 day, so I am presuming they consider my concerns not worthy of attention.”

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 5; Code for People in Advertising - Basic Principle 3, Basic Principle 6.

The Chair noted the Complainant’s concern the advertisement discriminated against people with missing teeth and they were disappointed with the lack of customer service they received from the Advertiser.

While the Chair acknowledged the Complainant’s issue with the service they received from the Advertiser that falls outside the Complaints Board’s jurisdiction. Its role is to consider whether advertisements comply with the Advertising Codes.

The Chair noted the advertisement before her employed comedic hyperbole to illustrate the various ways people communicate. The Chair noted the advertisement employed light-hearted humour about a variety of people, including a businessman being ‘important’ and a woman in gym gear having a muffin instead of working out. The Chair said that humour was an accepted part of society, as noted under Basic Principle 6 of the Code for People in Advertising, so long as it did not reach the threshold to cause serious or widespread offence.

While the Chair sympathised with the Complainant's concerns, she said the reference to 'missing teeth say run' was in extreme contrast to the Sabretooth tiger. The Chair agreed that it was not acceptable to make fun of people with disabilities however, taking into account prevailing community standards, the scene in the advertisement before her did not reach the threshold to breach Basic Principle 3 or 6 of the Code for People in Advertising or Rule 5 of the Code of Ethics. The Chair said the advertisement had been prepared with a due sense of social responsibility and was not in breach of Basic Principle 4 of the Code of Ethics.

The Chair said there was no apparent breach of the Advertising Codes and ruled the complaint had no grounds to proceed.

Chair's Ruling: Complaint No Grounds to Proceed

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 days of receipt of this decision.