

COMPLAINT NUMBER	20/321
ADVERTISER	Harcourts Hamilton Rentals
ADVERTISEMENT	Harcourts Hamilton Rentals Television
DATE OF MEETING	25 August 2020
OUTCOME	Not Upheld No further action required

Summary of the Complaints Board Decision

The Complaints Board did not uphold a complaint about a television advertisement for Harcourts Hamilton Rentals which included the phrase “Don’t let your rental drive you mental”. A majority of the Board said the advertisement did not reach the threshold to cause serious or widespread offence. This is because the word “mental” in this context refers to a stressful situation, not a mental illness.

Advertisement

The Harcourts Hamilton Rentals television advertisement, which screened on an on-demand platform, promotes their residential property management service. The advertisement is set in a real estate office and the presenter says “Don’t let your rental drive you mental”.

Summary of the Complaint

The Complainant said: “this kind of language is offensive to those suffering from mental illness”.

Issues Raised:

- Social Responsibility
- Decency and Offensiveness

Summary of the Advertiser’s Response

The Advertiser defended the advertisement and said it has run for seven years without complaint. They said the advertisement uses humour to promote their service, a service which can “greatly reduce the mental stress that owning a rental property can have”.

Relevant ASA Codes of Practice

The Chair directed the Complaints Board to consider the complaint with reference to the following codes:

ADVERTISING STANDARDS CODE

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

Relevant precedent decisions

In considering this complaint the Complaints Board referred to two precedent decisions, Decision 18/364 and 19/295 both of which were No Grounds to Proceed.

The full versions of these decisions can be found on the ASA website:

<https://www.asa.co.nz/decisions/>

Decision 18/364 concerned a television advertisement in the Like Minds campaign which features footage of New Zealand kea moving rocks, accompanied by comments using voice-overs. When one of the birds walks away the other birds react by calling him a “piker” and saying: “he might just have a touch of the JK’s” and “he’s a screw loose”. The advertisement ends with a voice saying “If someone in your whanau is experiencing mental distress, calling them names doesn’t help. Just ask what you can do. Just listen.”

The Chair of the Complaints Board said the advertisement did not meet the threshold to cause serious or widespread offence. The Chair noted the role of the Advertiser, the Health Promotion Agency: “We aim to reduce the impact of depression on the lives of New Zealanders, and create a nation that values and includes people with experience of mental illness, so that all New Zealanders can participate in society and in the everyday life of their communities and whanau.”

Decision 19/295 concerned a television advertisement for 30 Seconds cleaning product which shows a group of people sitting in a circle. One of the participants is about to explain to the group why a painting he is holding means so much to him. He starts to cry and says: “Sorry everyone, I just need 30 seconds.”

The Chair of the Complaints Board said the advertisement did not reach the threshold to cause serious or widespread offence. The Chair said there could be a range of reasons for this group setting and the advertisement does not imply any specific explanation for the meeting.

Complaints Board Discussion

Consumer Takeout

The Complaints Board agreed the consumer takeout of the advertisement was owning a rental property can be stressful and Harcourts Hamilton Rentals can help minimise this stress and make the experience easier.

Changing attitudes to mental health and those suffering

The Complaints Board noted that community attitudes to mental health and the language used to describe mental illness have changed over recent years and are continuing to evolve. Language that was once in common usage is now socially unacceptable in many situations. These changes have been influenced by promotional campaigns created by organisations such as the Health Promotion Agency and the Mental Health Foundation.

The Complaints Board noted the word “mental” is not included on the list of words surveyed by the Broadcasting Standards Authority (BSA). The word “retard” is listed at number 10 of the BSA’s “2018 Most Unacceptable Words Used in Broadcasting”.

The Complaints Board noted that in assessing complaints it must have regard to “generally prevailing community standards”. This means Board decisions must reflect community standards, not set them.

Is the advertisement offensive?

A majority of the Complaints Board said the advertisement did not reach the threshold to cause serious or widespread offence. The majority noted the advertisement uses the word “mental” because it rhymes with “rental” and it is not being directed at any particular individual. It agreed “mental” is being used in this instance to refer to a stressful situation, not a mental illness.

A minority disagreed. The minority said the advertisement was likely to cause serious offence. The minority said the word “mental” in the phrase “Don’t let your rental drive you mental” is being used in a negative, derogatory way, and is insensitive to those dealing with mental health challenges.

Is the advertisement socially responsible?

In accordance with the majority, the Complaints Board said the advertisement was socially responsible, taking into account context, medium, audience and product and was not in breach of Principle 1 or Rule 1(c) of the Advertising Standards Code.

Outcome

The Complaints Board ruled the complaint was **Not Upheld**.

No further action required.

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 calendar days of receipt of this decision.

APPENDICES

1. Complaint
 2. Response from Advertiser
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Appendix 1

COMPLAINT

During the ad the presenter says "it's enough to drive you mental" this kind of language is totally offensive to those suffering from mental illness. Trying to make mental illness into a cutesy rhyme is poor form (they say "dealing with a rental is enough to drive to mental").

Appendix 2

RESPONSE FROM ADVERTISER, HARCOURTS HAMILTON RENTALS

We write to you to defend the above claim, in reference to our Video On Demand commercial.

As a responsible advertiser, both as part of our own business, and the wider Harcourts group we are fully aware that mental illness should never be made light of- and that is certainly not our intention with this campaign.

For the referenced VOD, we have followed our branding campaign, which has been successfully running across multiple radio stations in the Waikato for 7 years without complaint.

In our advertising we target landlords, mainly older professionals, 45+. On radio we have used Magic, The Sound and The Breeze to talk to this demo. For this VOD campaign we had spots placed as a pre-roll before Newshub, where we know our target demo gets their news from and around the Top 10 Three Now shows to target a larger section of the female demo we're after.

"Don't let your rental drive you mental" has been our tag line for 7 years. Landlords can have a lot of issues to work through , which can be very stressful .Our line is simply common language, or hyperbole we use to exaggerate those stresses, and the service we offer in taking that pressure off our clients. Many of those clients have used similar terms to explain their issues, in correspondence with us, and will happily verify that.

None of our advertising has ever had any inference to mental illness, if it had, we would not have approved it for airing. We believe it is simply a humorous way of encapsulating what we can do for the viewer/listener in a succinct and memorable way, using a widely spoken phrase. We strongly believe that the consumer take out from the campaign would be nothing other than that we offer a service which can greatly reduce the mental stress that owning a rental property can have.

The line has been a strong part of our branding for 7 years now, and is integral to our marketing strategy going forward. The fact it has been on air without complaint in that time is evidence that this does not cause widespread offence.

Thank you for your consideration. We will await your decision, and respectfully adhere to the outcome.