

## Whose work is it anyway? Are ad execs right to show off past work on their current agency website?

FEATURES

by Chris S.  
Following a storm out west last week, Mumbrella's Calum Jaspan asks whether advertising executives are right to show off previous work on their current agency website while looking at one example in particular.

### First Dance. Shot on iPhone X

November 15, 2022 11:44  
by CALUM JASPAN

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Is co-opting of work rife amongst Australian agencies? (We'll get your thoughts at the end)

After a **Perth creative shop was called out last week** for co-opting other agencies' work as its own, Mumbrella has spoken to a number of industry executives to investigate the size of the issue.

Wildling is not the only agency to be accused of doing this, as The Brand Agency's Steve Harris indirectly **did last week**.

It's a challenge, particularly for smaller agencies, a raft of which popped up during the pandemic. How do you leverage the significant work your staff has been involved with across their careers, to help your new agency win clients?

A question has been posed to Mumbrella. Does there need to be clear industry standards for the attribution of work by agencies and individuals that worked on it?

CEO of the Advertising Council Australia, Tony Hale was clear in telling Mumbrella: "No agency should pass off another agency's work as their own. If individuals wish to claim legitimate credits for work they have done at another agency, they should make the role they played in the development of the work very clear."



Ad Council's Tony Hale: 'No agency should pass off another's work as its own'

"Of course, it is reasonable to expect work displayed on an agency's website was created by that agency," an ad exec tells Mumbrella, without it being clearly signposted.

"Have the guts to put the agency you were at when you did the work," another exec says.

Managing director of TrinityP3, global pitch consultant, Nathan Hodges tells Mumbrella, "We come across this all the time when managing pitches for our clients."

"And it's not like the clients don't notice this stuff – they roll their eyes as much as anyone. The kind of work that everyone tries to claim is normally work that stands out, so of course a client team will spot it when 3-4 competing agencies try and take credit for the same success during the same pitch process."

Hodges says he gets that at the start of its life, an agency needs to be able to talk about the track record of its people when they worked elsewhere.

"Marketers get that too – of course they do."

"An agency simply needs to be upfront and super-clear about what is actually being claimed. It's easy to do. But it's so important because there's nothing worse for an agency in a pitch than to look at all shifty or seem (accurately or not) that it's hiding something. It poisons everything, right there and then."

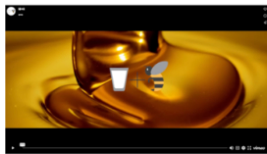
## How clear is clear?

Following Friday's story, many in the industry have come to Mumbrella, urging to take a look at the website of one agency, Milk + Honey United. They highlighted that its website shows no mention of any other agency for the work it displays there.

Mumbrella has looked into these concerns since then.

The agency, **launched by Andy DiLallo and Steve Jackson in 2021** has a watermarked showreel on its website which features high-profile ad campaigns produced by Australian agencies the pair have worked at, intertwined with a couple of campaigns the new agency has produced.

Land of Milk & Honey

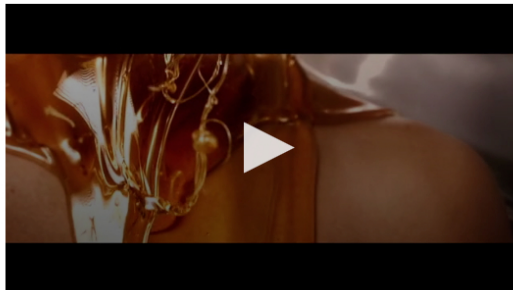


SEE THE VIDEO SHOWN ON MUMBRELLA

Showreel page of Milk + Honey's website, with no credit for agency work

Beginning with the agency logo, and then the words 'Welcome to the land of Milk + Honey', the video then shows campaigns for Smirnoff, Lexus, David Jones, Commonwealth Bank, Woolmark, Foxtel, Tourism NZ, Coca-Cola, WWF, Samsung, Apple, Toyota, McDonald's, Bundaberg, Hyundai, Pepsi, Johnnie Walker, Thrify, and Nike. The campaigns were created by Australian agencies including Leo Burnett, TBWA, Innocean, Saatchi & Saatchi, and more while either Jackson or DiLallo was at them, without naming any of the agencies anywhere on the site.

Intertwined in the showreel, is work for James Squire, Raiz, Stacks Law Firm and Rosemary, completed by Milk + Honey with no differentiation between what work was and was not created by the agency.



When asked about this, managing director Hazelle Klonhammer tells Mumbrella: "All the work featured on our website was created by our founders Andy and/or Steve. Some of the work was created while they were at previous agencies, but this is clearly stated on our website."

Three of the landing pages on the website, titled 'Integrated', 'Film', and 'Print + OOH', only display work created by the pair while at previous agencies, however, this is only signposted as a footnote at the bottom of each without naming any of the agencies that created the work.

Collection of both Andy and Steve's work created at previous agencies.

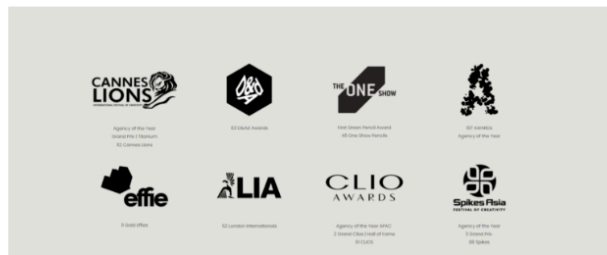
Footnote present at the bottom of the three work pages

Klonhammer continues: "Our founders Andy and Steve are two of the most high-profile and experienced creative leaders in the country. Having run many of the nation's largest agencies as well as creatively led many of the world's most loved brands. The work shown reflects that."

She adds that the same comment was not necessary alongside the agency's showreel, "because that is created from some of the work already listed on the aforementioned pages".

As of Tuesday, 15 November, there is no reference to any other Australian advertising agency on the website, that contributed to, or were responsible for the 40+ campaigns displayed there.

Additionally, on the 'About' section of the agency's website, it lists awards including 110 Cannes Lions, an Agency of the Year award at Cannes Lions, 65 D&Ad Awards, 11 Gold Effies, Agency of the Year APAC at the CLIOs, and more, without caveating these were not won by Milk + Honey.



Awards listed on the About section of Milk + Honey's website

"With regard to their awards, these are listed in the personal credentials section after Andy and Steve's bios, so it's very clear that is about what they have achieved throughout their careers," said Klonhammer.

## Tackling the issue

So who can take credit for this kind of work? Is it only the person who came up with the initial idea? Is it the work of the entire creative or account team? The agency as a whole? The client? Or should everyone involved be credited?

It also raises the question, can one individual claim credit for winning an Agency of the Year award, from the likes of Cannes Lions, or the CLIO awards?

## So whose work is it anyway?

Let us know in the survey link below what you think the minimum expectation should be when displaying past work.

<https://www.surveymonkey.com/r/VZVYNC6>

**Update:** Since publishing, Milk + Honey has now added a note beneath its campaign reel, clarifying the campaigns were not all created by the agency.

Some work included on this reel was created by Andy and Steve while running other agencies.  
Including: TBWA, Leo Burnett, Saatchi & Saatchi, M&C Saatchi, DDB, JWT, Innocent.

## Calum Jaspan

Calum Jaspan is News Editor at Mumbrella, based in Melbourne. He is also the producer and host of the Mumbrellacast.



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ADD COMMENT

Calum Jaspan  16 Nov 22

Hi Laughable

Thanks for your comment, however I'd love to point you in the direction of our fortnightly series 'Campaign Review'

<https://mumbrella.com.au/?s=Campaign+Review>

The point of this series is to give creatives a platform to discuss ads on a regular basis, which as you say is needed within this industry.

We also regularly run Campaign Review episodes of our podcast, the [Mumbrellacast](#), and in fact, will have a Christmas edition running tomorrow with three prominent figures from the creative industry.

Cheers

Calum – Mumbrella

👍 7

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Seriously 15 Nov 22

What about the other way around: Agencies featuring work when none of the people who created it work there any longer?

At least in this case Brands who are interested in the caliber of work shown on the Milk and Honey United web-site would be speaking to the right people to create something of that level for them.

The name on the door has very little to do with the work, it's all about the people who do the work.

Andy and Steve are two of the best in the business clearly.

👍 7

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Sad 15 Nov 22

So many creatives have made their careers from merely 'being in the room' when famous campaigns were created, but have inflated their involvement over time. I would love to name names.

👍 6

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Concerned Citizen 15 Nov 22

Andy and Steve are both talented. I've worked with them. But their website does not clearly differentiate between Milk + Honey's work vs the work of other agencies. The tiny disclaimer on the foot of a few pages does not make up for it, especially when the showreel is a mix but watermarked purely with M+H's logo. Klonhammer is towing the company line and cannot in good conscience really believe the soundbites she's peddling.

While this has never really surfaced as an issue in our industry before, it does raise some good discussion points. Historically (and probably the reason this issue has never come up), agencies only show work produced by the agency. Sure, the people may have moved on (as mentioned by a previous commenter), but the work was a collective endeavour and came from a client relationship and agency ethos that belonged to the agency. And the average tenure of staff was much longer back then. There was usually someone who worked on the project still at the agency.

But we're entering a new era now. More breakaways and startups. The people behind those startups need to show what they're capable of. It's similar to an agency's creds including the bios of the staff which list awards, projects and brands from the employee's history, not the agency's. On the balance of all the above, it seems reasonable for a new agency to showcase the portfolios of the agency's people to prove their capability. But it should be separated from the new agency's work on different pages and clearly labeled. The historical work of the people should be on the

people's bio page (and credit the agencies where the work was made).  
But if we think that is reasonable, then it is also reasonable for ANY agency to do the same. Even the big ones can now start adding the standout historical work of their current staff to their websites.

Where does it end?

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**Law and Order** 15 Nov 22

In most cases the client – who is paying for the work – will contractually have ownership of the work/IP once they have paid the invoice. Anyone using the work in any way would need their permission or approval.

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**Client side** 17 Nov 22

From a client pov I think they've done a bit of a dodgy here. Putting these ads with their watermark on top clearly suggests all work was made under the Milk & Honey banner. Why not have the same reel with their actual work, then a link to "About the founders", and then a reel with "all our previous work at previous agencies" with essentially a bibliography below the video. I'd imagine people wouldn't be so up in arms about that.

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**Seriously wrong** 16 Nov 22

Hi @Seriously,

I seriously disagree with your assertion that "The name on the door has very little to do with the work". An agency's culture and ambition and business model and strategy has everything to do with the quality and efficacy of the work they produce. So the agency 'name' is everything!

Some agencies have well-founded reputations for being creative, or effective, or retail or digital experts, and so on. History's great agencies like Saatchi & Saatchi or BBH or Wieden or McCann are great because their intention – and their strategy and ambition – was to be great. There are many 'great' people who left those agencies but amounted to nothing, because it turned out they weren't so great without the backing of their agency resources and teams (and name) behind them.

The name on the door – and the strategy and direction behind that name – is everything. That agency has invested in a model that produces outstanding creative or digital or retail or whatever work. To suggest that just "it's all about the people who do the work" is just naive.

Yes of course some great people are important for 'great' work. But even more important is the agency model and ecosystem that allows them to be great. For them to then take that work to another business that's made none of the same investment in the quality of its output but parade it as their own product is just plain wrong...

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**Indi Boss** 15 Nov 22

Anyone who leaves my agency will be very very clear as to what work they can and can't display on their new agency.

Holding companies don't really care (about anything) so there is no one to hold chancers to account.

Great to see journalism in our industry doing what journalism does – holding people to account

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**Mary** 15 Nov 22

it would be helpful if a lawyer was asked to provide a POV here. I've always wondered where the law stands in relation to disclosure requirements and ownership entitlements.

Agency credits aside, I'd be surprised if brand owners were aware or accepting of this as well.

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**Replying to Clive** 17 Nov 22

Hi Clive

Creativity is our currency. The better you are at it, the more you get paid. But only if people know that you are the person behind the work. And that's all about credit. Sadly there are a lot of people out there who will claim credit for work they didn't do or had a minimal involvement in. Some very successful people have built their careers on it. Which forces the people who actually did come up with the great work to shout out to ensure justifiable credit for their work. Otherwise they will be passed over for promotions, won't be headhunted etc. I don't agree with your assertion that all people who want credit probably don't deserve it. If you don't take credit for your great work, you know someone else definitely will.

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**Are we mad?** 16 Nov 22

How is this even a question? How is anyone confused?

Do you think an Agency can show in its agency credentials, work completed by another Agency, without any attribution, and pass it off as its own work? Do you think a creative person can show in their personal credentials, work completed by another person, without any attribution, and pass it off as their own work?

If you cannot answer 'No' to both these simple questions.. jog on, your head has clearly disappeared up your backside.

The solution is pretty simple: You can show whatever you like – just correctly label/attribute the people & agency involved. Clients care about the talent working on their campaign, not the shingle on the door.

No one should take credit for work other people have done.

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**Anonymous** 15 Nov 22

Milk & Honey, Wildlings and a bunch of others are experienced, talented creatives with enviable experience. The networks are just playing the only card they have left.

The work showcases the thinking.

Leave the indies alone.

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**Milking Funny Business** 15 Nov 22

Klonhammer and the founders should know better than this as company directors and – one would hope – experienced industry professionals. Almost all agency employment agreements stipulate that the IP for work created while in the employ of said agency remains with that agency. And almost all client contracts stipulate – on top of that – that the IP for work created on their behalf by the agency (which owns the IP by virtue of its employment agreements), is then transferred to the client. So either way, that IP is not owned by ex-employees and cannot be used to promote their other agency employers, no matter how big (or small) the disclaimers may be.

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**Credit matters** 18 Nov 22

There's an old saying: "Who steals my credit steals my cash."

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**Do more of this** 17 Nov 22

Great to see an article actually asking an interesting Question and getting some views on it.

Do more of this.

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**Callum Banf** 17 Nov 22

Well done, Mumbrella. You won't find this kind of critical article on other certain industry sites.

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**View from the outside** 17 Nov 22

Fair play, M&H have every right to showcase work from other agencies developed by their cofounders, but yes it should be more clearly labeled as such.

There, done. Not hard.

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**Sad but true** 16 Nov 22

You'll also find that certain creatives have arrived at agencies in ECD or CCO roles and insisted on being credited on work that was done prior to their arrival. In some cases bumping the actual idea creators off the credit lists.

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**Sneaky Sneakers** 16 Nov 22

ok so I work at adidas and produce some innovative designs. I move to Nike who like my adidas designs, so Nike use my adidas examples to promote their new Nike products, cos like I designed them all so s'all good. Nuff said.

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**Unattributed work** 16 Nov 22

To me it's absolutely outrageous that indies show work that was done in other agencies, without any acknowledgement of the fact. It's the other agency's IP, and all work is a collaborative effort, not to mention that the other agency had to win the client in the first place in order to even do the work. I've even seen cases where someone freelanced at an agency, played a very minor role in an award-winning campaign, then opened their own shop and added it to their portfolio, with no mention of the previous agency. At minimum there should be an acknowledgement of where the work was done, but even that feels generous.

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**Be careful what you wish for...** 15 Nov 22

Let's face it – agency turn-over is high. Lots of agencies promote the work done by people who have left.

It is also far from unknown for big agencies to hire freelance teams to work on pitches and campaigns, then flip to their FTE team when the work is in roll-out or “BAU” mode.

I would suggest that a more transparent world also requires big agencies to disclose this fact, including on their websites...! So big agencies declare work done by people who (a) no longer work there or (b) never worked there.



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**Peter** 15 Nov 22

I think people are clutching at straws having an issue with people crediting work from other agencies having been there before.. Take Share A Coke. Everyone knows it was one planner at Ogilvy who came up with the idea. Yet if you ask about 100 people in the industry, they came up with it.

It happens everywhere.



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**Anonymous** 15 Nov 22

In my experience it is more likely the client will own the exclusive license to the work in question and for a set period of time. It is rare they would own the IP exclusively and in perpetuity. IP ownership would be held between the agency and the negotiated contracts they hold with the directors, producers and talent they brought on for the project. Agency employees hand over right to any work product as part of employment contracts. Most employee contracts would heavily restrict/ban any use of owned IP in the public domain.



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**Good debate** 16 Nov 22

This is a very good debate for the industry to be having.



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**Laughable** 16 Nov 22

So, pity the creative and the new business starter. Every experience, thought, and output now needs to be documented to a particular place and time, to satisfy the advertising Taliban? This is the same nonsense as 'everyone's creative' and 'an idea can come from anywhere'.

The sad fact is that for an industry that is supposed to be creative, and that is what we sell as our 'magic', we have media platforms dominated by the thoughts of those that are not creative and are more than likely in some way jealous of those who are.

In fact, it's dispiriting for an industry publication, how very few articles feature creatives actually talking about work – but there are always the same old CMOs spouting off...



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**Clive** 16 Nov 22

Isn't there a bigger issue here. Just how many of you all are so petty about credit. This industry is getting out of hand. The amount of people who care so much about credit – to me the more you care about credit, the less credit you've probably actually received and deserved in your life.

I get it, there are lots of frustrated creatives working on shit briefs



everywhere but this has all gone too far. Agencies now write case study videos before work goes live. It's like a plastic surgeon sharing a before and after of a future patient that has been modified using photoshop.

It's typically a very male thing to do – to need to always peacock and get a pat on their back. Frankly, it's laughable.



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