



CASE REPORT

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| 1. Complaint reference number | 54/09 |
| 2. Advertiser | Red Rooster |
| 3. Product | Restaurants |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Nationality – section 2.1 |
| 6. Date of determination | Wednesday, 11 February 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement for Red Rooster's food products is based on the theme "They don't get it in America". An interviewer is seen in New York city asking various pedestrians if they know where they can get a red rooster and most don't know. He then explains what it is and after more comments says "They just don't get it in America". The interviewer then gets in a taxi and tells it to go 'home'. In the next few shots a plane is seen taking off, a passport stamp shows arrival in Australia and a taxi arriving at a Red Rooster outlet and the interviewer gets out. A voice over says: "Red Rooster: created in Australia for Australians since 1972. For Australia's own chicken its gotta be red". The company logo appears and the advertisement ends

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

The ad casts Americans as stupid and ignorant, and as consumers of fatty foods only. They are made to appear unaware that there are less fatty versions of foods than the ones they consume (ie roast rather than fried chicken). The voice in the ad states "Americans just don't get it". This ad is racist. If you were to substitute the word "Americans" in the ad with "Asians", "Chinese", "Muslims", "Greeks" or "Chileans", for example, you would NEVER be able to run the ad. I find it deeply offensive.

As an American, I find this tag line and concept offensive. I am unsure why advertisers believe that it is okay to carefully stage, and then cut and paste a few comments from select people on the street to attempt to make an entire country of 300 million, thousands of whom live in Australia and will see this ad, look stupid. To attempt to market themselves as 'Australian owned and operated', they feel the need to attempt to show another country's citizens in a bad light. This would be immediately unacceptable if they were to do it for any other country, and it should be for America as well.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

We have considered the complaints and the advertisements in question in light of the provisions of the AANA Code of Ethics ("the Code"). We note that the nature of the complaints relate generally to "discrimination" and specifically to the concern that the ad in question contains racial discrimination against American citizens. We have carefully considered the Code, and have assessed the provisions against the content of these advertisements. We find that the advertisement does not breach the Code on any of the grounds set out in the same.

Looking at the Code, Provision 2.1 provides that advertisements shall not "portray people or

depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief”.

We note that the advertisements depict comedian Tom Gleeson approaching members of the public on the streets of New York City, USA, and asking them where a Red Rooster restaurant is. The people are confused as Red Rooster is not available in the USA, and are also confused as they are unfamiliar with Australian slang. We note that at all times Tom Gleeson is cheerful and friendly towards the people he interviews, and at no time do any of the people in the interview appear unhappy, concerned or threatened in any way by Tom Gleeson’s actions. We note that the people in the advertisement are depicted as being in a friendly, casual environment and overall, the feel and tone of the commercial is playful and light hearted, and the actions harmlessly cheeky but affectionate in nature. The idea is that Red Rooster is an Australian owned and operated franchise that is not available in the USA. The main intention of the advertisements was to show that, citizens of the USA are unfamiliar with Red Rooster as it is not available in their country, serving to highlight Red Rooster as a proudly Australian franchise. It is not the intention of the advertisements to portray Americans in a derogatory light as ignorant or stupid in a general sense.

We note that in the course of production over fifty (50) people were interviewed, and all of them were required to give their consent prior to being filmed. All participants were enthusiastic to be involved, and happily signed agreements allowing their images to be screened on television in Australia. All participants were fully aware of this condition prior to being interviewed.

We note that the people depicted in the interviews in the advertisements are themselves comprised of a variety of different ethnic backgrounds, body shapes, genders and ages. We note that America, like Australia, has a proud multiculturalism inherent in its community.

Additionally, we note that there are some scenes in the advertisements, where the people being interviewed are shown to be confused by the use of the word “ute”. We note that this is a light-hearted attempt to highlight the fact that Australian culture and slang is not familiar outside of Australia.

Further, we note that the final tagline of the advertisements is not “Americans, they just don’t get it”, as was erroneously inferred by the complainants, but is in fact “They just don’t get it in America”. We note that the line is intended as a humourous and cheeky double-entendre which was intended to have a dual meaning of: (i) Red Rooster is not available in the USA (ie They (Americans) just don’t get it (Red Rooster) in America); and (ii) Americans do not understand Australian culture, as it is uniquely Australian. At most, the line can be considered to be an affectionate dig at America rather than a hostile attack.

In summary, in our view, none of the above constitutes a portrayal which discriminates against or vilifies any American person. Americans are portrayed as friendly, casual and multicultural people who can be unfamiliar with some finer points of Australian culture.

In relation to these advertisements specifically, we took care to ensure that the commercial was within the boundaries established by the Code and to ensure that we respect and comply with the self regulatory system in place.

Obviously the intention was not to condone or encourage discrimination or vilification of Americans in any sense. The advertisements were a light hearted and humourous attempt to highlight Red Rooster’s uniqueness in Australia, by depicting how an overseas neighbour such as America might be unfamiliar with it. We made use of friendly, casual street interviews to show this unfamiliarity in this manner, without any element of malice or hostility.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”) and the AANA Food and Beverages Advertising and Marketing Communication Code (the “F&B Code”).

The Board noted the complainants’ concerns about the depiction of Americans in the advertisement and considered the application of Section 2.1 of the Code, relating to discrimination and vilification.

The Board considered the tone of the advertisement was light-hearted and not derogatory. The Board

also noted that at one point, one of the “Americans” agreed with the tagline “they don’t get it”.

The Board considered the tagline was aimed at emphasising that Red Rooster is Australian owned, not available in the USA and was not an American franchise, like other food chains available in Australia. The Board considered that there was no implication in the advertisement that American's only eat high fat food. The Board considered the advertisement’s depiction of Americans was not discriminatory or vilifying and therefore found no breach of Section 2.1 of the Code.

The Board also found no breach of the F&B Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.