



CASE REPORT

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| 1. Complaint reference number | 64/09 |
| 2. Advertiser | Ultra Company - Silence I kill you (dead terrorist ringtone) |
| 3. Product | Ringtone |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Ethnicity – section 2.1
Violence Other – section 2.2
Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 18 February 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is for a Jamba! GmbH mobile phone ring tone. It shows an animated skeleton saying "Silence I kill you!" several times. Viewers are asked to text a number to subscribe to the ring tone.

THE COMPLAINT

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

I find it offensive that in this time of political uncertainty that a ring tone company is trivializing the war on terror. The content of the ring tone is also offensive - imagine standing in the line for the bank and it comes on from someone in the queue. I also object to the fact that adolescents are usually the targets of these commercials, and something such as this may upset a lot of people. It upset me - and I just watched the ad. The last ring tone was called "Achmed the Dead Terrorist". I object on the basis that the ad

stereotypes certain people and infers that they may all be terrorists. Its offensive in the way it portrays people of a middle eastern background. This ad is discriminatory and arguably racist in its depiction of a religious stereotype. I find this product and advertisement highly offensive. I believe this contravenes Section 2.1 of the Code of Ethics.

I feel its offensive because it features heavy stereotyping of Middle Eastern people as terrorists. It also makes fun of Middle Easterners in general by mocking their accent. I also feel that featuring a 'terrorist' skeleton is offensive and makes light of the real situation that exists with racial intolerance. This add will make people, especially children and teens, feel that it is acceptable to mock people like this, and I feel that it fosters an attitude of racism as a 'joke'. Ad portrays a dead 'terrorist' as a skeleton of a Muslim man with a turban and beard and an Arab accent. It reinforces typical racial stereotypes of a terrorist as a Muslim, encouraging the public to be judgemental and suspicious of Arab people who wear turbans. It is extremely inappropriate and racially offensive.

The ad for the mobile phone ringtone dead terrorist has an animated skeleton saying silence! I kill you several times. This reinforces islamic terrorists who believe there is an empowered life after death and also makes people think there is a funny side to terrorism and martyrdom. Mobile phones have been used in terrorism for one thing (to set off bombs etc) and I don't think it is really (the ad) a laughing matter. if we start thinking never in our back yard due to ads and products like this we are sooner or later in for big trouble.

I think it is offensive, inappropriate in this current climate and the conditions of use are not clear and very small. The ring tone itself I think is offensive. Poking fun at the results of terrorist activity. As though its a joke. The voice over laughs. The skull wears a turbin and has a long beard. This implies to me that a Terrorist is identified as someone who wears a turbin. This isolates

people from certain cultures and backgrounds as Terrorists Not all Terrorists wear turbins! I would like to be able to watch late tv without this offensive ad on my screen.

THE ADVERTISER'S RESPONSE

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

We have read the complaints regarding the Dead Terrorist ringtone where they claim this ringtone glorifys violence, is racist against terrorists and insights hatred. While I deeply regret that these people found our Dead Terrorist ringtone offensive, I kindly disagree for the following reasons:

- 1. This advertisement is offering a ringtone quoting one of the most famous and successful ventriloquist, Jeff Dunham. This is one of the most clicked videos on YouTube with nearly 75 million views, and by now one of the most well known comedy skits worldwide.*
- 2. The comedy of this ringtone is emphasised by the laugh in the voice over, which lessens the impact on the ringtone "silence I kill you" which emphasises the fun and comedy aspect. It really goes against any supporting of violence claims or that it insights hatred.*
- 3. The word "crazy dead terrorist" also emphasises the fun nature of this character, that he is a character and does not reflect real life.*

While regrettably some viewers may find this character in bad taste, it is no more than that; it is a comedy skit that is funny and successful as it touches on a serious topic in the world in an amusing and enlightened way.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement trivialised terrorist activity and killing, and depicted a terrorist as someone of Middle Eastern appearance. The Board considered the application of Section 2.1 of the Code relating to discrimination and vilification (on the basis of ethnicity), Section 2.2 relating to violence and Section 2.6 relating to prevailing community standards on health and safety.

The Board also noted that this advertisement was a modified version of an advertisement it had previously considered (Case Reference No. 408/08). The Board noted that it had upheld complaints against the advertisement in that case, for reasons that included:

The Board noted this advertisement was shown in a late time slot and that the words were stated with a robotic repetition. The Board considered that the reasonable person would not regard the repeated statements "I kill you" in the context of the advertisement as suggesting or encouraging violence. The Board therefore determined the advertisement was not in breach of either Sections 2.2 or 2.6.

The Board considered whether the depiction of the character was discriminatory against, or vilified, any section of the community in contravention of Section 2.1 of the Code. The Board noted the advice of the advertiser that the character depicted was a dummy used by a well-known ventriloquist, although the Board questioned the familiarity of the Australian community with this particular character.

The Board was split in its decision on this section of the Code. The majority considered that, while the character's skeletal appearance did not suggest any particular race, the overall depiction was suggestive of a Muslim and the reasonable person would find the advertisement was suggestive that terrorists are Muslim. The minority of the Board had a different view that the depiction of a well-known ventriloquist's dummy was intended to be humorous and was not a serious suggestion that all Muslims are terrorists.

By majority, the Board determined that the advertisement vilified people who are Muslim and upheld the complaint.

The Board noted that the previous version of the advertisement described the character depicted as "Achmed, the Dead Terrorist", while the current version has been modified by the removal of the word "Achmed". Despite removal of a name that is likely to be suggestive of a particular ethnic group, and the cartoon depiction of a skeleton rather than a person, the Board considered that the advertisement was still suggestive that people of a particular race or ethnic background are terrorists and that this depiction is vilifying of those people. The Board determined that the advertisement did breach section 2.3 of the Code.

A majority of the Board considered that the words 'Silence I kill you' were ridiculous and in the cartoon context were more likely to be considered humorous by members of the community than as a serious suggestion of or exhortation of violence. However other members of the Board agreed that the advertisement did suggest violence in contravention of section 2.2 of the Code.

Finding that the advertisement breached section 2.1 of the Code, the Board upheld the complaints against this advertisement.

ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

We are extremely surprised by the decision, that the advertisement vilified people who are Muslim. We will remove the headscarf so it can eliminate any possible connection with Muslim people.