



CASE REPORT

1. Complaint reference number	27/09
2. Advertiser	Meat and Livestock Australia
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Wednesday, 21 January 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This Advertisement depicts personality Sam Kekovitch delivering a monologue in an 'address to the nation style'. He states: 'My fellow Australians, The world economy is rooted. And it's all due to one thing: unAustralianism. Wall Street wankers and bottom-feeding, billionaire bankers, stuffing their wallets at the expense of battlers – it's about as unAustralian as it gets. Sadly, Australia is not immune. We've been seduced by 48-month interest-free, internet fridges that are smarter than the average stockbroker. Our Olympians sold themselves, flogging undies and waterproof laptops, while the Brits were flogging us on the medals table. And how can you splurge \$130 million on a 3-hour movie called Australia, and not spend one cent on showing a Lamb barbie? What a load of bulldust. We need to return to the egalitarian values that made Australia great, embodied in our national dish: the barbecued lamb chop. A chop tastes the same in a designer outfit as it does in stubbies and thongs. Which reminds us you don't need to be an overpaid, pin-striped parasite from a millionaire's factory. To be truly happy, you just need a chop and a cold one. The short-selling, rogue-trading, corporate crooks may disagree with me, but they can go jump. And if they don't know the way I'll push them in the right direction. So the message is clear: the only rescue package we need is wrapped in butcher's paper, and filled with nice, juicy lamb chops. Because there's only one way to beat the credit crunch: munch Lamb. Not just me: I need EVERY Australian – the whole bloody lot of you – taking up the tongs and BEING SAM KEKOVICH. Can we change things if we all unite as a nation? "Yes we can!" So don't be unAustralian. Serve Lamb on Australia Day. You know it makes sense. We're Sam Kekovich.' The super concluding states *We love our Lamb*.

THE COMPLAINT

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

I am writing in response to commercial I saw last night on Prime and Channel 7. Eat lamb during Australia Week 09 - Sam Kekovich. During the commercial he makes a statement including the word "rooted" which I and my family find very offensive... what will it be next year...?

THE ADVERTISER'S RESPONSE

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

Thank you for advising us of the complaint received about our latest "Sam Kekovich Address to the Nation" TV commercial. For your records we have attached copies of the commercial, the script and CAD advice. Our advertising agency for this commercial was BMF and media buyer was Universal McCann.

In response to this complaint we draw your attention to definitions of the word "rooted" found in the Macquarie Dictionary and the Australian Concise Oxford Dictionary. The

Macquarie Dictionary includes “broken; ruined” as a colloquial definition, and the Australian Concise Oxford Dictionary also lists that one Australian colloquial definition of this word includes “ruin” and provides “the telly’s rooted” as an example of how “rooted” can be used with this meaning.

This word is used to represent a similar meaning within the line “the world economy is rooted” from our latest Australia Day Lamb advertisement (to denote that the world economy is ruined).

Given the context in which this word is used in this advertisement, particularly when delivered by noted satirist Sam Kekovich, and that this definition of the word is in widespread colloquial usage within the Australian community, we do not believe it violates the Advertising Standards Code.

This commercial was given a PG rating by CAD and our media placement is in accordance with the spirit of that classification.

We do not believe that this commercial offends community standards, nor violate any section of the Code. This view is further reinforced by the reaction of media who have seen and extensively reported on, broadcast and generated discussion on this year’s commercial as editorial. Some media monitoring clippings that have included this word are attached for your reference.

We therefore respectfully request that the Board dismiss the complaint.

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 complaints made by a number of people and the response of the advertiser. The Board noted that the Australia Day advertisements are now well known for their irreverent tongue in cheek humour during their short term January campaign.

The Board noted the advertisement's references to the economic climate and millionaire bankers exploiting people. The Board considered that some people may find these references in poor taste due to the financial and personal devastation caused by such events. The Board considered however that most people would see these references as satirical comments on major news stories over the past 12 months.

The Board considered that the encouragement to eat lamb in the advertisement did not vilify or discriminate against people on account of their religion as it was not encouraging people who don't eat meat to do so.

The Board considered whether the language in the advertisement was consistent with Section 2.5 of the Code. The Board noted the use of the word 'wankers' in the advertisement. The Board considered that the use of this word in the context of this highly satirical and over-the-top pro Australia rant was not inappropriate and unlikely to be considered offensive by most members of the community. The Board also noted the use of the word 'rooted' in the advertisement. The Board considered that the use of the word in the context of its colloquial meaning was also not inappropriate and unlikely to be considered offensive by most members of the community. The Board noted that most of these words are common colloquial terms in Australia and that none of the words were used in an obscene way in the advertisement. The Board noted that some families would not use or be exposed to these words but that many members of the community would be and would understand that the words were being used in a colloquial sense that is consistent with the 'larrikin' style humour of many people in Australia.

The Board also considered that the references to 'unAustralian' behaviour were so exaggerated and used in the context of such unusual actions that they could not be considered to be racist or inciting of racial or ethnic tension and therefore were not in breach of Section 2.1 of the Code.

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