



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0002/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Aldi Australia</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/02/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Nationality

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement opens with bagpipes playing then a man with a strong Scottish accent introduces himself as the Head Distiller of Aldi's Highland Earl Scotch Whisky. A woman with an English accent then talks over him and translates his words, despite the Scotsman's protestations that he is speaking English.

## THE COMPLAINT

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

*This advert is racist towards Scottish people, as a scotsman I am offended by the racist implications that I do not speak clearly and cannot be understood. Advertisements like this perpetuate the stereotype that as a nation we cannot be understood.*

*This should be taken in the context of would it be acceptable to put an interpreter on an advert for an aboriginal product? No! There would be uproar. Why is it acceptable to be racist towards the Scottish?*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*The radio ad in question is part of a series of advertisements ('the campaign') that seek to highlight the provenance of ALDI's liquor range through the highly distinctive accents of the producing region: France for ALDI's Monsigny Champagne; New Zealand for ALDI's Fraser Briggs Premium Lager; and in this case, Scotland for ALDI's Highland Earl Whisky. In each instance, the campaign intends to be light-hearted and humorous, while also demonstrating the products authenticity (please see accompanying PDF)*

*In examining against the AANA Code of Ethics ('The Code'), we do not believe we have breached any section. Based on the complaint received, we will focus on the most relevant section, 2.1:*

*Advertising or Marketing Communications 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, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*In assessing against section 2.1 of The Code, it is essential that we determine the meaning of 'discriminate against' and / or 'vilify'. According to the Oxford Dictionary:*

*Discriminate: Make an unjust or prejudicial distinction in the treatment of different categories of people*

*Vilify: Speak or write about in an abusively disparaging manner*

*While we have highlighted the varied accents of English speaking people from different countries, we have not been unjust or prejudicial in doing so, as a) differing accents are a fact given the broad geographical locations of English speaking people; and b) we have not stated nor implied that one is more correct than the other. Instead, we simply translated an accent from one region for a different accented audience in another region. As a consequence, we have not 'discriminated against', especially when considering the light-hearted and humorous tone. Nor have we been 'abusive' or 'disparaging', so have not vilified anyone of Scottish nationality or descent.*

*Thus, we have not breached Section 2.1, as we do not "discriminate against" or "vilify" Scottish people through this advertisement.*

*Please do not hesitate to contact me should you require any further information to make your determination.*

## **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 complainant's concerns that the advertisement is racist towards Scottish people.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted this radio advertisement features a man speaking with a strong Scottish accent whilst a woman repeats what he says in an English accent.

The Board noted it had previously dismissed a complaint about the way in which a Scotsman was portrayed in an advertisement in case 0358/11 where:

“The Board considered that the statement “the Scots have never been very welcome on an Australian worksite” could be seen as a racist comment but is clearly referenced to depictions of Scotsmen flashing their workmates when working on a building site.

The Board considered that the statement that Scots are not welcome is made in a tongue in cheek fashion and is then humorously backed up by the depiction of a Scotsman flashing his workmates because he is apparently not wearing underwear beneath his kilt.

The Board noted that Scotsmen were highly unlikely to wear a kilt on a building site and considered that the use of their traditional dress in the advertisement is a stereotypical portrayal which is not negative but is meant to be exaggerated and humorous. The Board considered that the advertisement is not racist and is unlikely to be considered offensive to most members of the community with Scottish heritage.”

The Board noted in the current advertisement that by using a translator the suggestion is that the man's Scottish accent is unlikely to be understood by the average listener and considered that as the man's Scottish accent is easy to understand the translation adds a humorous tone to the advertisement. The Board noted that the advertisement presents a stereotype of a Scotsman with a strong accent but considered that the overall depiction is not negative: the translator is presented as silly, not the Scotsman, because she is unnecessarily translating.

The Board acknowledged that making fun of a person's accent is not necessarily acceptable regardless of their nationality but considered that in this instance the advertisement is not making fun of a Scottish accent but rather playing on a common scenario whereby a strong accent, in this case Scottish, can be difficult for some people to understand despite the same language being spoken.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of nationality.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

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

