



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0005-22
2. Advertiser :	Carlton and United Breweries
3. Product :	Alcohol
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	19-Jan-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man in a martial arts uniform teaching students how to 'be like the beer'.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

This commercial is clear and blatant cultural appropriation. The first caucasian male is wearing a Japanese hakama with a top knot and isn't even a traditional chonmage, they then have caucasian males ridiculing Chinese kung fu in shaolin clothing in the commercial. If Carlton is going to appropriate culture, perhaps they should get the countries correct first. Shocked and disgusted at the blatant racial ignorance and that anyone approved the airing of this commercial. This is no light hearted joke. It is not okay to ridicule culture and belittle minorities.

THE ADVERTISER'S RESPONSE



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

Thank you for your recent correspondence regarding a complaint with reference number 0005-22, and for providing CUB with the opportunity to respond regarding the Carlton Dry advertisement 'Temple of Dry' (the Advertisement).

We understand from your letter dated 5 January 2022 the complaint contends that the Advertisement is in breach of paragraph 2.1 of the AANA Code of Ethics relating to discrimination or vilification of race.

CUB and its parent entity Asahi Beverages are committed to ensuring our promotional and marketing material is inclusive, non-discriminatory, and in accordance with community expectations and standards.

Description of Advertisement

The Advertisement celebrates the uncomplicated qualities of the Carlton Dry beverage (Product).

The protagonist 'Master Dry' invites pupils to a philosophy centred around the flavour profiles of the Product, being smooth, free from bitterness, and perfectly balanced. The pupils are encouraged to 'be like the beer' in its uncomplicated qualities, and undertake 'training' to represent these characterisations of the Product. The pupils and Master Dry throughout the advertisement practice balancing acts involving the Product, not becoming bitter when unsuccessfully attempting to engage with the Product, and smoothly engaging in other practices involving the Product.

The Product's brand philosophy is thereby enlivened and reflected in a light-hearted manner as a true 'belief-system' in the 'Temple of Dry', that simultaneously celebrates the attributes of the beer and living an uncomplicated life.

Response to complaint

The Advertisement does not discriminate, vilify, or culturally appropriate any persons, race, ethnicity, culture or nationality.

In pre- and post-production, to ensure community standards and cross-cultural sensitivity was considered in all aspects of the Advertisement, CUB engaged Phoenix Eye Films (lead by Australian filmmaker, actor and martial artist Maria Tran) to consult on Cultural Production involving considerations on wardrobe, casting, location, music, cinematography and movement.

Regarding the specific points raised by the complainant, and the contention the Advertisement breaches the AANA Code, paragraph 2.1:

1. The Advertisement is purposefully crafted to not engender any particular persons, race, ethnicity or nationality. To achieve this neutrality, the Advertisement deliberately does not represent any particular ethnic or cultural arts or dress, as referred to by the



complainant. Contrary to the assertion of the complainant, the Advertisement was carefully constructed with cultural sensitivity in mind, to be consciously agnostic in this regard, so as not to cause offense, humiliation or to discriminate or vilify any persons, race, ethnicity, culture or nationality.

2. The Advertisement champions the cinematic flair of the martial arts film genre, enjoyed in popular culture worldwide, rather than misappropriate any particular culture. Cultural appropriation is the inappropriate or unacknowledged adoption of elements of one culture or identity, by members of another culture or identity. CUB respectfully submits that a reasonable viewer would not view the Advertisement as cultural appropriation, given the following:

a. The style of cinematography pays homage to elements of martial arts in popular culture and film. In direct reference to the martial arts film genre, the Advertisement see the protagonists bend the laws of physics, against a background of energetic shots of awe-inspiring reverent landscapes.

b. A number of the lessons observed by Master Dry and the pupils throughout the Advertisement are applicable to any number of cultural groups, ethnicities, races or nationalities, and reflect more broadly the idea of general fulfilment in following a philosophical or religious belief- in the case of the Advertisement a belief system applying the characteristics of the Product; being smooth, uncomplicated, balanced and not bitter.

c. The settings, including the mountains and temple, as well as the practices depicted, such as walking on water and playing flutes or gongs, are popular motifs throughout a variety of religions and beliefs.

d. The costumes, dress, hair and make-up of the characters reference elements of various martial arts with a twist to appeal to typical consumers of the Product (for example, the topknot of Master Dry representing a typical 'man-bun' sported by many consumers of the Product).

e. The characters are ethnically diverse, representative of everyday consumers of the Product.

f. Overall, the Advertisement presents a positive portrayal of martial arts, and applies the ambiance of the martial arts film genre to the Product.

The Advertisement reflects the universality of philosophical systems, and thereby cannot be construed as cultural appropriation of any particular persons, race, ethnicity or nationality.

3. The AANA code prohibits the discrimination or vilification of any group of people on the basis of certain defined attributes including race, ethnicity, nationality, gender, age, region and political belief. Discrimination describes unfair or less favourable treatment of any individual or group of people, and vilification describes humiliation, intimidation or the incitement of hatred, contempt or ridicule. CUB contends that no culture or minority is belittled or ridiculed in the Advertisement as alleged by the complainant, nor does the Advertisement discriminate or vilify any culture or minority. As outlined in the points above, the Advertisement is purposefully culturally neutral, and replicates the popular style

of the martial arts film genre in a positive and entertaining light, and not in a manner that would be likely to humiliate or incite ridicule.



For the reasons set out above, and with great respect to the complainant for any discomfort caused, CUB submits that the Advertisement does not breach any section of the AANA Code including section 2.1, and requests that the complaint be dismissed on this basis.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement shows cultural appropriation and racial ignorance by using inconsistent clothing and themes.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.1: 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

“Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.”

The Panel considered that the depiction of people wearing traditional clothing from other cultures is not dissimilar to martial arts students at commercial facilities wearing traditional clothing, and considered that while some viewers may prefer that advertisements not use such themes, this in itself was not a depiction which is discriminatory or vilifying.

The Panel acknowledged that community standards in this area are evolving, and that there is an increased sensitivity in the community to issues such as cultural appropriation and casual racism.

The Panel noted the advertiser's response that the advertisement it was purposefully crafted to be culturally generic and that an external agency was engaged to consult on this aspect of filming. The Panel considered that the advertisement featured aspects of several different cultures, and considered that their combination did not amount to discrimination or vilification.

The Panel noted that there was not a focus on any particular culture, nor did any of the actors use exaggerated or mocking accents or mannerisms. The Panel considered



that the humour or the advertisement was directed at the individuals depicted, rather than at any particular cultural group.

The Panel considered that the depiction of an unidentified and fictitious culture which bears similarity to other genuine cultures does not in itself treat genuine cultures unfairly or less favourably, nor does it present material in a manner that would be likely to humiliate or incite hatred, contempt or ridicule.

Section 2.1 conclusion

The Panel 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 race, nationality or ethnicity and determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.

ABAC

The Panel noted that advertisements about alcohol products may be considered against the provisions of the AANA Advertiser Code of Ethics as well as the Alcohol Beverages Advertising Code Scheme (ABAC). The Panel noted that complaint/s in this case were referred to ABAC for assessment. The Panel noted that the ABAC Responsible Alcohol Marketing Code (ABAC Code) is an alcohol specific code of good marketing practice and has specific standards which apply to the promotion of alcohol products. The Panel further noted that it can only consider complaints about alcohol advertising under the concept of prevailing community standards as set out by the AANA Code of Ethics. The Panel noted that the advertisement may be considered by the ABAC Chief Adjudicator or the ABAC Adjudication Panel applying the ABAC Code, as well as this determination under the Code of Ethics.

