



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0011-21
2. Advertiser :	Meat & Livestock Australia Ltd
3. Product :	Food/Bev Groceries
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	
6. DETERMINATION :	

ISSUES RAISED

AANA Food and Beverages Code\2.1 Truthful Honest Not Misleading or deceptive
AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.3 Violence
AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement open on a wide shot of Australian farmland and bush. A large concrete wall stretches out of sight across the landscape. A man is seen walking home with his shopping, along the wall. A small hole in the wall captures his attention and a grilled lamb cutlet offered by an anonymous hand through the hole in the wall, inviting the man to take a bite. The man takes an excited bite of the lamb cutlet.

The man's actions, of taking the bite, kick off a stampede of people across a park, charging the wall, using a range of implements such as BBQ tongs, walking sticks and crutches, wanting to also get to the lamb.

THE COMPLAINT

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

There is a pandemic. We are being told to physically and socially distance.

There is a limit on numbers of people at gatherings.

This ad goes against everything we have been told to do for the past 12 months.



This ad is divisive, derisive and repugnant on many levels. The wall shown is divisive and insulting not just to one nationality but to many. It could be seen by Australians at this time as a parody on the "Trump wall" and also after recent events in America the language "United States" of Australia is offensive.

There is also comparison with the Berlin Wall its affect and struggle for its destruction and the image of a tank is also offensive and could be seen by survivors of the era as an insult. There is also a great resemblance with the separation barrier in Israel, and Palestinians being denied basic human rights.

I found the enticing of people to riot together and be destructive and violent smashing down the walls was disturbingly likened to what just happened in America by Donald Trump supporters rioting at Capital Hill. Also when a hole burst through the Queensland wall making a hole in the speedos of a lifeguard who was depicted on a mural....then a head poking thru and a young girl watching from a park bench.. All this was extremely inappropriate. whilst all the time making a mockery of the Border closures during the Covid pandemic....which are there to keep us all healthy.

The marketing communication is deeply offensive to my heritage and is also alluding to false information. The marketing material alludes that no other states have lamb available or present and that Queensland is the only producer of such products. As a farmer in New South Wales this is deeply offensive as our state is known for producing some of the best lamb. These facts in the advert are false and misleading to the general public. Meat and Livestock Australia (MLA) states that "Prime lamb producers are predominately located in the Riverina, the wheat-sheep zone of NSW, the Victorian and NSW Murray region and the high rainfall areas in south-west Victoria and eastern South Australia. Sheep are primarily located in south-west WA, south western part of Victoria and the southern part of NSW."

In addition, this communication is deeply offensive recognising only the borders placed by the European Settlements and not the first nations peoples.

Finally, the communication finishes with defamation of public officials which is offensive and incredibly disrespectful.

THE ADVERTISER'S RESPONSE

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

We refer to your correspondence dated 21 January 2021 concerning complaints received in response to an advertisement for lamb run by Meat & Livestock Australia (MLA).

We are grateful for the opportunity to respond to the complaints and, after detailed consideration, respectfully submit that each of the complaints should be dismissed.

Description of the advertisement



The advertisement the subject of the complaints is entitled “Make Lamb, Not Walls”. It is set 10 years in the future where a once united Australia is divided by a great wall towering over every State and Territory border. The advertisement is a fanciful and tongue in cheek take on what a dystopian future could be if State and Territory borders were shut for good.

The advertisement shows the great unification of Australia sparked by the scent of lamb through cracks in the wall. As the main character (an elderly male on the NSW side of the NSW/QLD border) is overwhelmed by the irresistible aroma and begins poking at the wall, a hand appears through the crack holding a perfectly cooked piece of lamb. This beacon of hope triggers Aussies from around the country to tear down the “Great State Walls” and to reunite over a delicious lamb BBQ.

The overarching theme of the advertisement is one of unity, highlighting that walls are inherently divisive and that Australians are stronger together. In conveying this message, the advertisement plays on the friendly and longstanding rivalry between Australia’s states and territories. For example:

- *a newspaper headline states “Sydney votes itself best city....again”*
- *a news broadcast states “An increasing number of Victorians have applied for weather asylum in the NT”*
- *an attractive “city slicker type” from Sydney is shown wiping his sneakers and drinking a takeaway coffee while others around him frantically try to knock the wall down*
- *a group of Tasmanians are met by a news reporter who comments “looks like Tassie has arrived. Where’s the rest of you?” in response to which the Tasmanian replies “this is all of us”.*

Following the successful dismantling of the great wall, a young girl comments to the main character “You did it....a United States of Australia” to which he replies “Nah, it’s just Australia”.

The advert ends with a fictitious Hawaiian airline landing in Australia before a man from behind resembling Prime Minister Scott Morrison looks out over the tarmac and asks “What have I missed?”.

Please note that there are two versions of the advert: a short form/30 second version for use on television, and a long form/2 min 30 sec version for use only on social media and online platforms. A copy of each script is attached as Annexure A. The CAD rating for the 30 second television commercial is W.

Please also note:

- *The advertisement is not targeted at children. The target for the advertisement is main grocery buyers aged 18-44.*
- *The programs in which the advertisement appears are listed in Annexure B.*



- *The advertisement does not make any health, nutrition or ingredient claims.*

Detailed submissions

Please see below our detailed submissions in response to alleged breaches of the AANA Code of Ethics and the Food & Beverages Code as identified by Ad Standards in its notice of complaint.

For completeness, we note that some of the complaints raise matters of taste. Exaggerated and over the top humour will always be seen as in “bad taste” by some and as involving “cheap shots” to get a laugh. However, as noted by Ad Standards in previous determinations, while there may be viewers who do not find adverts funny or tasteful, such issues do not (in and of themselves) fall under any of the AANA advertising codes. We have not, therefore, commented on those aspects of complaints that clearly relate to subjective matters of taste.

1. Code of Ethics Section 2.6 (Health and Safety)

One complainant has taken issue with the scenes showing people gathering together and has complained that the advert goes “against everything we have been told to do for the past 12 months”.

Section 2.6 requires that advertising “must not depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards”.

In this regard, we note:

- *The advert is set 10 years in the future in the year 2031. This is made clear in the opening scene which states “AUSTRALIA. 2031...A once united nation is divided by a great wall”*
- *A reasonable viewer is likely to understand from the overall context and fantastical nature of the advert that it is not a depiction of current events nor is it encouraging people to contravene any currently applicable Covid-19 restrictions.*
- *The health and safety of all actors was of paramount importance during production and the advert was filmed in line with all applicable Covid-19 restrictions (including those on social gatherings).*

The AANA Guidelines on Section 2.6 state that “advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour”. We consider that the context of this advertisement is quite clearly exaggerated and fantastical and therefore not in contravention of section 2.6.

2. Code of Ethics Section 2.4 (Sex/sexuality/nudity)



A complainant has taken issue with a scene in the online version of the advert where a makeshift wooden battering ram is used to break through the wall. On the other side of the wall (the QLD side) is a mural of a male lifesaver in speedos in an advert for Queensland. The pole smashes through the wall and is coincidentally positioned between the lifesaver's legs. A man on the NSW side then pokes his head through to look at what is on the other side.

Section 2.4 prohibits the "harmful use of sex, sexuality or nudity in advertising and requires that such content must be appropriate for the relevant audience. Images that are considered harmful and which are not permitted are those that are overtly sexual and inappropriate having regard to the relevant audience".

In this regard we note:

- There is nothing in the scene that is overtly sexual. The makeshift battering ram does not look like a penis and no reasonable viewer is likely to mistake it for one.*
- The scene does not involve any nudity. The image of the lifesaver in his speedos is entirely appropriate in the context of it being an advert for Queensland and him being a lifesaver. There is nothing overtly sexual in the way he is standing and he is not shown interacting sexually with any other person.*
- The image of the man popping his head through the hole is to see what is on the other side. While the scene could be described as fairly low brow, slap-stick humour (given the fortuitous position of the hole), there is nothing sexually suggestive in his behaviour or facial expression.*
- The advert is targeted at adult grocery buyers aged 18-44 and its programming schedule reflects that target audience. It is not aimed at young children.*

For the reasons noted above, we do not consider the advert to make harmful use of sex, sexuality or nudity in contravention of section 2.4. Even if Ad Standards were to take the view (which we dispute) that the advert makes very mild use of sex or sexuality, MLA does not consider any such use to be inappropriate or harmful for the relevant audience (noting that this scene only appears on the long form/online version of the advert and not the 30 second television version).

3. Code of Ethics Section 2.3 (Violence)

A complainant has alleged that the advertisement entices people to riot, be violent and destructive and that this is inappropriate in the context of recent events in the USA.

Section 2.3 prohibits the use of violent content unless it is justifiable in the context of the product or service advertised.

In this regard, we note:

- People are depicted using household items to break down a fictional concrete wall in pursuit of a lamb BBQ – one man is shown using kitchen tongs and an*



elderly woman is shown using her walking stick; farmers are shown using spades and hammers. The scene is intended to be humorous and absurd.

- *There is no violence or suggestion of menacing behaviour directed at other people or animals during the advert.*
- *Sam Kekovich is shown on an army tank and declares “I love the smell of lamb” as he breaks through the fictional wall. Reasonable members of the community will not perceive the far fetched destruction of the wall and satirical context of the advert as a realistic portrayal of violence or as inciting people to riot. MLA strongly submits that the advertisement cannot realistically be likened to recent rioting events in the USA.*
- *The advert was given a W rating by CAD and has been aired in timeslots appropriate for that rating.*

For the reasons noted above we do not consider the advert to contravene Section 2.4. If Ad Standards were to take an alternative view and consider the scene to involve a portrayal of violence, MLA submits it is justifiable in the context of the humorous and satirical context of the advert and is not likely to cause alarm or distress to the reasonable viewer.

4. Code of Ethics Section 2.1 (Discrimination/vilification)

Some complainants have suggested that the advertisement is “divisive”, “derisive” and “insulting not just to one nationality but to many”.

Section 2.1 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 AANA Practice Note on section 2.1 defines discrimination and vilification as:

- a) Discrimination: unfair or less favourable treatment*
- b) Vilification: humiliates, intimidates, incites hatred, contempt or ridicule.*

The complaints notified to us are broad in their terms and do not clearly explain on what basis the adverts are alleged to depict discriminatory or vilifying behaviour. Ad Standards has identified “nationality”, “ethnicity” and “social values” as potentially relevant attributes – no other attributes appear relevant to the advert given that it depicts people from all across Australia without reference to gender, age, sexual preference, religion, disability, mental illness or political belief.

We make the following submissions in response to any allegation that the advert is discriminatory or vilifying in relation to nationality, ethnicity, race or any relevant “social value” or lifestyle choice.

- a) Nationality, ethnicity and race*



The AANA Practice Note provides the following definitions of these groups:

Nationality: people belonging to a particular nation either by birth, origin or naturalisation. This can change over time so, for example, a person born in the United States who becomes a citizen of Australia by marriage may describe their nationality as either/both Australian or/and American.

Ethnicity: those with a common social identity as a result of customs, traditions or belief about historical origins.

Race: viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin.

The advert depicts Australians coming together from across the country to help dismantle a fictional wall in pursuit of a lamb BBQ. For the purpose of the advert, all of the people portrayed are “Australian” and no one is identified as being of a different nationality. One complainant has alleged that the advertisement draws comparisons with the Berlin Wall and the separation barrier in Israel. MLA disputes any assertion that the advert discriminates or vilifies anyone who may have suffered in connection with historical events like the Berlin Wall. The advert is clearly set in a future Australia and makes no reference to the Berlin Wall, Israel, the US/Mexico wall or any other international wall. Furthermore, the overall theme of the advert (“make lamb, not walls”) shows that MLA does not condone separatist walls.

Similarly, the advert does not single out any particular racial or ethnic group as those terms are defined in the AANA practice note and are commonly understood by viewers. Everyone in the advert is Australian from multiple backgrounds and everyone is invited to the lamb BBQ.

In conveying its message of unity, the advert plays on friendly inter-state rivalry that has long been associated with Australian culture. The advert makes mention of Victoria’s weather and WA’s failed bid to become its own country (a historic reference to WA’s secession referendum in 1933). The advert also shows a newspaper headline noting that Sydney (Australia’s most populous city) has voted itself best city again. These jokes are set in a fictional “post COVID” Australia; they are clearly sarcastic and hyperbolic, and are conveyed in an endearing and humorous context.

To the extent it is possible to discriminate or vilify someone on the basis of their choice of city/State/Territory or their association with a particular geographic region within Australia (whether that be because it is considered a subset of nationality, race or ethnicity or otherwise), we note:

- *The advert does not depict any negative or hostile behaviour towards any person from a particular state or territory, nor is it likely to cause any reasonable viewer to genuinely lower their opinion of people from a particular state or territory.*



Importantly, everyone is invited to participate in the dismantling of the fictional wall and everyone is included in the lamb BBQ.

- The reasonable viewer understands the comedic and sarcastic nature of the advert and is not likely to take the advert as promoting any act of prejudice, inequity, unfair treatment or bigotry towards Australians from particular states, territories or cities. Nor do any of the depictions incite hatred toward people who come from any particular state, territory or city.*
- The advert is readily distinguishable from previous determinations made by Ad Standards for discriminatory or vilifying behaviour on the basis of nationality, race or ethnicity. In those cases, the advertisements have involved depictions such as one race /nationality being subservient to, or feared by, another; or one race/nationality being humiliated for the colour of their skin.*
- Ad Standards has previously dismissed complaints under section 2.1 where the material is clearly “light-hearted, humorous and draws upon sentimental and friendly rivalry” (refer, most notably, to determination 0189-20).*

b) Social values / lifestyle choices

Ad Standards has previously considered complaints concerning the discrimination or vilification of people on the basis of certain lifestyle choices (eg not having sexual intercourse; veganism). In this case, it is not clear what lifestyle choice is said to have been portrayed in a discriminatory or vilifying manner, however we repeat our comments above regarding the depictions of people from the various states, territories and cities of Australia. In particular, we note that Ad Standards has previously dismissed complaints about advertising which makes humorous comments above vegans not eating meat when in a context that was not ridiculing or inciting hatred towards vegans (refer case 0017/16). MLA submits that the same reasoning applies in the context of this advertisement.

c) General comments on discrimination/vilification

MLA strongly disputes that the advert is discriminatory or vilifying in any way. To the contrary, the overall theme of the advert is one of unity and acceptance of all Australians, as is reflected in the title of the campaign (Make Lamb, Not Walls) and the successful dismantling of the wall and the coming together of all Australians over a lamb BBQ.

MLA submits that most members of the community, including people within the relevant states, territories and cities that are the subject of the light hearted jokes, would not consider the advert to be offensive when viewed in its fictional and humorous context.

For these reasons, MLA does not consider that the advertisement breaches Section 2.1.

5. AANA Food and Beverages Code Section 2.1 (Truthful and honest)



One complainant has alleged that the advert falsely represents that lamb is only available in Queensland.

MLA strongly disputes that this message is conveyed by the advert or that any provision of the AANA Food and Beverages Code has been breached. In particular:

- The advert depicts a fictional wall covering all state and territory borders in Australia. The majority of the advert is focused on the border between NSW and Queensland, with the main character being located on the NSW side. The fact that he smells lamb coming from the Queensland side of the wall is coincidental to the storyline and is not intended to convey that lamb is only available in, or produced in, Queensland. In this case the lamb BBQ is being cooked in Queensland.*
- The average viewer appreciates that lamb is produced in a number of different states across Australia and is unlikely to be misled or deceived by the scene showing the lamb cutlet being passed through a fictional wall. Viewers who have a higher degree of understanding about lamb production across Australia are also unlikely to be misled given the clearly fictional context of the advert.*

6. Other complaints/issues

Defamation of public officials

- A complainant has alleged that the advert is defamatory of public officials. MLA strongly disputes that assertion and, in any event, notes that matters of defamation are not a ground for complaint under the AANA Code of Ethics.*

Recognising only borders placed by European settlers and not first nations people

- A complainant has alleged that the advert is “deeply offensive recognizing only the borders placed by the European Settlements and not the first nations people”. It is not clear what provision of the Code this is alleged to contravene but MLA nevertheless disputes that any such message is conveyed or that indigenous people are discriminated or vilified in any way.*

Making a mockery of border closures

- A complainant has alleged that the advert makes a mockery of border closures during the Covid pandemic. While the advert draws inspiration from the current backdrop of border closures (a topic of significant national interest) it is quite clearly set in 2031 in a fanciful “post-COVID” Australia. The advert is a satirical take on what might happen if borders were to remain shut forever but does not express any view on the appropriateness (or otherwise) of existing border controls implemented in response to Covid 19.*

MLA’s submissions above relate to those provisions of the AANA Code of Ethics and the Food & Beverages Code that have been identified in the notice of complaint. MLA



is not aware of any complaints regarding alleged breaches of other provisions of either Code, but nevertheless makes the following high level comments:

Relevant Code	Provision/section	Comments
Code of Ethics	2.2 (Exploitative or degrading)	There is nothing in the advert that involves the use of sexual appeal in an exploitative or degrading manner. The advert does not take advantage of the sexual appeal of any person or group of people by depicting them as objects or commodities, nor does it involve the inappropriate depiction of any body parts.
Code of Ethics	Section 2.5 (Language)	The advert does not use any strong or obscene language.
Code of Ethics	Section 2.7 (Clearly distinguishable advertising)	The advert is quite clearly advertising for lamb.
Food & Beverage Code	Section 2.2 (undermining importance of healthy lifestyle/encouraging excessive consumption)	There is nothing in the advert that is likely to undermine the importance of a healthy lifestyle or to encourage excessive consumption.
Food & Beverage Code	Section 2.3 (Health and nutrition claims)	The advert does not make any health or nutrition claims.
Food & Beverage Code	Section 2.4 ((Health or nutritional comparisons)	The advert does not make any health or nutritional related
Food & Beverage Code	Section 2.5 (Consumer taste or preference tests)	The advert does not include references to consumer taste
Food & Beverage Code	Section 2.6 (Claims relating to material characteristics of food)	The advert does not make any claims relating to the material characteristics of lamb or any
Food & Beverage Code	Section 2.7 (use of personalities and clearly distinguishable)	The advert is clearly an advert for lamb and is unlikely to be confused with editorial or



7. Conclusion

The MLA summer lamb campaigns are always highly anticipated and renowned for their satirical and far fetched themes. This years campaign is no exception and has been met with an overwhelmingly positive response across a range of media. By way of example:

- AFR, "[Make Lamb, not walls': ad lampoons border closures](#)", 11 January 2021
- The New York Times, "[Australia's States are Feuding Like Siblings. What else to do but laugh](#)", 14 January 2021
- Ad News, "[Why is the MLA lamb commercial so good](#)", 22 January 2021
- Ad Age, "[Aussies Break Down Massive Walls in the Name of Lamb BBQ in Blockbuster Australia Day Ad](#)", 13 January 2021
- Mumbrella, "[MLA's summer campaign: border closures, Morrison's holiday and lamb reuniting the nation](#)", 11 January 2021
- Body & Soul, "[Tongue-in-cheek lamb ad reunites Australian State borders in the funniest way](#)", 11 January 2021

MLA takes compliance with the AANA advertising codes extremely seriously. While we appreciate that our adverts will not always appeal to everyone's sense of humour, we always exercise care to assess our adverts against the AANA codes throughout the production process.

We trust that these submissions adequately address the issues raised to date, however please do not hesitate to contact us if further information is required.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) and the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement:

- Implies that only Queensland produces good quality lamb
- Is reminiscent of other walls, such as the Trump wall, Berlin wall and Palestine wall
- Is offensive as it recognises only European borders and not the borders of first nations peoples
- Defames public officials
- Entices people to riot together and be destructive
- Contains a scene of a battering ram breaking through a wall and a picture of a person's groin



- Does not show social distancing and makes a mockery of border closures during the COVID pandemic.

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

Food Code Section 2.1: Advertising or marketing communications for food ...shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.

The Panel noted the complainants' concern that the advertisement implies that only Queensland produces good quality lamb.

The Panel noted that there was only one 30 second version of the advertisement which appeared on the free TV medium. This was the version complained of and the version considered by the Panel. It was noted that there was a longer version which appeared online.

The Panel noted that the 30 second version of the advertisement did not give any indication which states the wall was between, or where the lamb was produced.

The Panel considered that the advertisement did not make any claims about the production or quality of lamb from different states and territories in Australia.

Food Code Section 2.1 conclusion

On this basis, the Panel determined that the advertisement was not misleading or deceptive and was communicated in a manner appropriate to the level of understanding of the target audience and did not breach Section 2.1 of the Food Code.

Code of Ethics Section 2.1: Advertising 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 orientation, religion, disability, mental illness or political belief.

The Panel noted the Practice Note for the Code provides the following definitions:

- Discrimination: unfair or less favourable treatment
- Vilification: humiliates, intimidates, incites hatred, contempt or ridicule



- Race: viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin
- Nationality: people belonging to a particular nation either by birth, origin or naturalisation. This can change over time so, for example, a person born in the United States who becomes a citizen of Australia by marriage may describe their nationality as either/both Australian or/and American
- Political belief: support for or opposition to a particular political party or ideology.

Does the advertisement discriminate against or vilify a section of the community on account of race or nationality?

The Panel noted the complainants' concerns that the advertisement invited comparison with other walls, such as the Trump wall, Berlin wall and Palestine wall.

The Panel noted the advertiser's response that the advertisement does not single out any particular racial or ethnic group, is clearly set in a futuristic Australia and makes no reference to other international walls.

The Panel noted that the advertisement only refers to different states in Australia and does not refer to any particular culture or nationality. The Panel considered that this advertisement uses light-hearted humour to imply a division between the states and territories, and does not imply that anyone has been singled out or excluded because of their race, ethnicity or nationality. The Panel considered that the humorous scenario does not directly refer to any international wall and that no other countries or cultures have been identified in the advertisement.

The Panel then noted the complainant's concern that the advertisement is offensive as it recognises only European borders and not the borders of first nations peoples.

The Panel noted that Australia is composed of many indigenous clan groups, with their own borders which do not match up to those of the Australian States and Territories. The Panel considered that failure to refer to these clan groups does not in itself constitute discrimination or vilification. The Panel noted that the existence of different States and Territories in Australia was widely accepted and that use of these borders was not discriminatory or vilifying.

The Panel considered that the advertisement did not discriminate against or vilify a section of the community on the basis of race or nationality.



Does the advertisement discriminate against or vilify a section of the community on the basis of political belief?

The Panel noted the complainants' concerns that the advertisement is offensive as it defames public officials.

The Panel noted that the 30 second version of the advertisement complained of does not contain any material which directly identifies a public official or a particular political belief.

Code of Ethics Section 2.1 Conclusion

The Panel determined that the advertisement does 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 orientation, religion, disability, mental illness or political belief. The Panel determined that the advertisement did not breach Section 2.1 of the Code.

Code of Ethics Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised

The Panel noted the complainants' concern that the advertisement entices people to riot together and be destructive.

The Panel noted the advertiser's response that the advertisement is intended to be humorous and absurd and there is no violence or suggestion of menacing behaviour directed at other people or animals.

The Panel considered that the advertisement is set in a futuristic Australia and the tone of the advertisement is light-hearted and humorous.

The Panel acknowledged that the timing of the advertisement corresponded with rioting events in the USA and that some members of the community may be reminded of these events when viewing the advertisement. However, the Panel considered that the advertisement did not depict people acting with aggression or rage, rather the theme of the advertisement is that tearing down walls helps create unity.

The Panel considered that the level of violence in the advertisement is low and is depicted in a light-hearted and humorous manner. The Panel considered that this low level of violence was justifiable in the context.

Code of Ethics Section 2.3 Conclusion

The Panel determined that the advertisement did not present or portray violence which was not justifiable in the context of the product or service advertised and did not breach Section 2.3 of the Code.



Code of Ethics Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel noted the complainants' concern that the advertisement contains a scene of a battering ram breaking through a wall and a picture of a person's groin.

The Panel noted that the scene of concern does not appear in the 30 second version of the advertisement which appears on television and about which complaints were made.

Code of Ethics Section 2.4 Conclusion

The Panel determined that the advertisement did not contain sex, sexuality or nudity and did not breach Section 2.4 of the Code.

Code of Ethics Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety

The Panel noted the complainants' concern that the advertisement does not show social distancing and makes a mockery of border closures during the COVID pandemic.

The Panel noted the advertiser response that a reasonable viewer is likely to understand from the overall context and fantastical nature of the advertisement that it is not a depiction of current events and it is not encouraging people to contravene currently applicable COVID-19 restrictions.

The Panel noted that it had considered a similar issue in case 0252-20, in which:

“The Panel noted that the men in the advertisement were interacting in a way which was not consistent with current community guidelines relating to physical distancing. The Panel acknowledged that current community standards around health and safety are that people should maintain an appropriate distance from others and should not interact closely with or touch other people who are not in their household. The Panel considered that advertisements, which are not clearly set during the pandemic, which show people interacting in a manner which indicates that they know each other, and which do not contain a call-to-action which is against current health recommendation, would be unlikely to be seen by most members of the community to be against prevailing community standards on health and safety.”

The Panel acknowledged that current community standards around health and safety are that people should maintain an appropriate distance from others and in some jurisdictions should not gather in large groups or cross state borders without permits.

The Panel considered that advertisements, which are not clearly set during the pandemic, which show people interacting in a humorous and exaggerated manner,



and which do not contain a call-to-action which is against current health recommendation, would be unlikely to be seen by most members of the community to be against prevailing community standards on health and safety.

Code of Ethics Section 2.6 Conclusion

The Panel determined that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach any other sections of the Food Code or the Code the Panel dismissed the complaints.