



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0017/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Meat &amp; Livestock Australia Ltd</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>18/01/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- Other Other - miscellaneous
- Other Social Values
- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Lifestyle Choices
- 2.1 - Discrimination or Vilification Nationality
- 2.1 - Discrimination or Vilification Other
- 2.1 - Discrimination or Vilification Political belief
- 2.1 - Discrimination or Vilification Religion
- 2.3 - Violence Bullying
- 2.3 - Violence Causes alarm and distress
- 2.3 - Violence Causes alarm and distress to Children
- 2.3 - Violence Cruelty to animals
- 2.3 - Violence Violence
- 2.6 - Health and Safety Bullying (non violent)

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement features newsreader Lee Lin Chin promoting the consumption of lamb on Australia Day and giving the instruction to commence 'Operation Boomerang' which is explained to be the recovery mission of rescuing Australians from various countries so that they will be able to eat lamb on Australia Day. The scenes depicted involve a military style SWAT team approaching various Australians ahead of performing the rescue.

The advertisement features scenes of the SWAT team approaching an Australian business man in an office in Japan, a dentist in the United States, a Rugby player in England, and an ex-cricketer in Indonesia.

## THE COMPLAINT

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

*The use of the term 'Operation Boomerang' is culturally inappropriate and offensive to indigenous Australians. As follows:*

*Firstly, the people in the ad are all white and acting typically anglo Australian male stereotypes, (except Lee Lin Chin of course). There are no obviously presented indigenous peoples in the ad.*

*The name Boomerang is noun for a traditional weapon used by the indigenous peoples of Eastern and Southern Australia. Ergo, this is cultural appropriation: it has absolutely nothing to do with Lamb, BBQ's or the MLA (though yes it works as a nice bit of copywriting... if it wasn't so plain wrong to use it for every other reason).*

*By the use of the term 'Boomerang' in an ad celebrating what many indigenous Australians consider to be called 'invasion day', the ad shows a distinctly anglo, and culturally insensitive approach. Our previous Australian of the Year, Adam Goodes, called Australia Day 'invasion day' in his speech past year and the view is held by many indigenous Australians. If you don't know this, I suggest you ring the Council of Australia's First Peoples for comment.*

*It's a meat ad. Leave the vegans out of it.*

*These lamb adverts are an annual vilification of people for their lifestyle choices and beliefs because 'they are un-Australian'. It's not funny and I'm sick of it. It's free-to-air bullying that singles out people who don't eat meat as anti-Australian and ripe for ridicule and, apparently, burning of furniture.*

*The ad is exclusivist and discriminatory against Australians who object to the consumption of animals on ethical, environmental and/or other grounds.*

*People who eat a vegan diet are targeted. Vegan people so not eat meat partly for political and environmental reasons and are constantly made fun of in the media for their beliefs, and in this ad their house is set on fire. It is very violent and hate filled just because vegans have a belief that eating meat is unhealthy, environmentally damaging and unnecessary.*

*This ad is offensive to Vegans, in the ad a vegan's house is lit on fire while the vegan is still inside because he won't eat lamb. If people want to eat meat that is their choice but to ridicule others for being vegan is not ok. I know someone who lives in a vegan household, and their child watched the ad and became fearful that people would burn their house down.*

*It incites violence against a group of people.*

*At one point in the ad, people burst into an apartment to bring an Australian home to eat lamb and he tells them he is vegan, so they set fire to his apartment with flame throwers.*

*This will encourage other meat eaters to act violently towards vegans and sends a message saying that veganism is wrong and non-acceptable.*

## THE ADVERTISER'S RESPONSE

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

*We have considered the allegations, and for the reasons set out below, submit that the complaints should be dismissed.*

*The Advertisement forms part of the twelfth annual MLA Australia Day campaign. The MLA Australia Day advertisements are well-established, highly-anticipated and well-received for their satirical, tongue-in-cheek expression and MLA's treatment of the 2016 iteration is no exception. MLA notes that the ASB has historically taken a robust approach to the interpretation of the content of these advertisements (see, for example, 0033/08).*

*This year's campaign is premised on the tagline "You Never Lamb Alone on Australia Day." The Advertisement depicts a far-fetched military-style operation to bring expatriates back to Australia on Australia Day so that they can enjoy lamb with their compatriots. The Advertisement depicts fictional scenes in multiple cities around the world where everyday Aussies are repatriated for Australia Day as part of "Operation Boomerang".*

*The Advertisement does not have a CAD reference as it was created for and published only on social media platforms and has not been broadcast by MLA or at its request on free-to-air commercial television. MLA is aware that, despite MLA not having broadcast the Advertisement on television, the content of the Advertisement has been reported and reviewed on commercial television networks. MLA has no input into the editorial or programming decisions of such commercial television broadcasting networks.*

*For completeness, the CAD reference for the 30 second television commercial which forms part of the same campaign is G2KF5FDA and was given a rating of G (TVC).*

*The complaints*

*The complaints allege that the Advertisement is discriminatory, violent and contrary to Prevailing Community Standards on health and safety.*

*The ASB has identified a number of potentially relevant provisions of Section 2 of the AANA Code of Ethics (the Code), which incorporates the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) and the AANA Code for Advertising and Marketing to Communications to Children.*

*MLA takes these allegations very seriously. However, on detailed review contends that the complaints should be dismissed.*

*The Code*

*Section 2.1 of the Code states that "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."*

*Section 2.3 of the Code states that "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised."*

*Section 2.6 of the Code states that "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."*

*The Food Code*

*Section 2.1 of the Food Code states that "Advertising or Marketing Communications for Food or Beverage Products 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."*

#### *Submissions*

*MLA submits that the Advertisement is a continuation of MLA's long-standing campaign strategy of exaggerated and fanciful pleas for meat eaters to eat lamb on Australia Day. The ASB has previously commented that MLA's "Australia Day advertisements are now well known for their irreverent tongue-in-cheek humour during their short term January campaign" (see 0024/11, 0020/10 and 0027/09).*

*Some of the complaints raise matters of taste. 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 MLA has previously noted in response to similar complaints, laws and codes dealing with discrimination and vilification are drafted to balance the need to preserve the general right to free speech with appropriate prohibitions on certain types of speech. They do not extend to prohibit the expression of opinions or jokes about lifestyle choices such as dietary preferences. Those opinions and associated statements do not have to be in good taste and so it is possible that those with differing views see them as being in bad taste or offensive to them or disrespectful. As a result vegetarians and vegans can and do make disparaging comments in their advertising about meat eaters.*

*MLA is of the view that a healthy balanced diet that includes recommended serves of red meat is the best dietary choice. Inclusion of red meat in the diet is also recommended by experts and supported by the Australian Dietary Guidelines. The laws and codes rightly give MLA considerable freedom to use humour, even of dubious taste, to communicate these messages.*

*MLA's Australia Day campaigns are designed to increase sales of lamb over the Australia Day long weekend and to generally raise the profile of lamb as a favoured Australian meat. Over the past twelve years, MLA has promoted eating lamb on Australia Day. In 2016, the satirical mission to bring expatriate Australians home so that they won't "lamb alone on Australia Day" is not a gratuitous attempt to offend those who do not eat lamb. Since the Australia Day campaign's inception in 2005, MLA has experienced a strong uplift in lamb sales for the campaign period. These results indicate that the playful, irreverent, humorous style of the campaigns featuring Australian icons and popular culture references are proving highly successful.*

#### *1.1 Alleged discrimination / vilification*

##### *(a) Vegetarianism, veganism and lifestyle choices*

*At the outset, MLA notes that the question of dietary choices is not one of the criteria on which people could be discriminated against or vilified in breach of Section 2.1 of the Code. Even if it was, we submit that the Advertisement does not discriminate against or vilify any particular person or group of people. This position has been supported by the ASB in similar decisions (see 0024/11 and 0013/14).*

*The Advertisement is clearly hyperbolic and sarcastic, using humour to promote lamb. The complaints are largely directed to one short segment of the Advertisement (timecode 1'08" to 1'20"), in which fake military operatives appear stunned when an expatriate informs them he is now a vegan. The mission to return this expatriate to Australia is aborted, the character of Commander Lee Lin Chin shakes her head in mock disappointment and exclaims "Vegans!" and the military operative over-dramatically flames a bowl of kale and tofu which is sitting on a coffee table in the expatriate's apartment.*

*MLA submits that the reasonable viewer understands the comical and fanciful nature of this*

*segment of the Advertisement (in the context of the Advertisement as a whole) and would not perceive it to be an act of bigotry or the incitement of hatred towards members of the community with particular dietary preferences. It is clear that this particular fictional expatriate character is not an appropriate subject for the mission and will not wish to return home to Australia to eat lamb.*

*The target of the flamethrower, as further noted below, is a bowl of kale and tofu on a coffee table which is not located in close proximity to the character. The flamethrower is not directed at the fictional expatriate character, nor (obviously) any member of the community. The Advertisement is not to be taken seriously and its content is not a means of vilifying or defaming vegans or vegetarians.*

*(b) Religion, ethnicity, race, nationality and political belief*

*MLA submits that the Advertisement does not promote any act of prejudice on the grounds of religion, race or political belief. As the ASB has previously held (0024/11 and 0013/14), the encouragement to eat lamb in the Advertisement does not vilify or discriminate against people on account of their religion, race or political belief as there is no serious disparagement of those who do not eat meat, particularly those who abstain for religious, cultural or political reasons. Furthermore, the Advertisement makes no mention of any religion, race or political party, whether specifically or in general.*

*Vegetarian and vegan dietary choices are not particular to one specific religion, race or political ideology. Vegetarians and vegans subscribe to different religions and ideologies or none at all so it cannot be said that the Advertisement discriminates against or vilifies a particular religion, race or political belief.*

*In addition, a small number of complaints claim that use of the fictional name "Operation Boomerang" is inappropriate or insensitive to indigenous Australians. Whilst acknowledging the indigenous heritage of the word "boomerang", MLA notes that the name of the fictional mission was adopted in reference to the colloquial meaning of the word as something which is expected to return (see by way of example the definition in the Macquarie Dictionary). The word "boomerang" is used commonly in Australia in this context and the fictional "Operation Boomerang" depicted in the Advertisement is intended to return expatriates to Australia. Furthermore, MLA notes a handful of complaints suggest that the Advertisement negatively conveys Poland. MLA submits that this interpretation is unfounded. While the character of Commander Lee Lin Chin is shown to be unhappy in Warsaw, this is clearly due to the freezing temperatures and the fact that Ms Chin has to "lamb alone." The Advertisement does not present any disparaging messages about Poland or its people.*

*(c) Overall*

*We submit that the Advertisement does not promote any act of inequity or bigotry towards vegetarians, vegans, or those of particular religions, races or political ideologies. Similarly, it does not vilify or incite hatred towards any such members of society. MLA submits that any reasonable viewer would recognise this Advertisement, in line with previous MLA Australia Day advertisements, as involving satirical and exaggerated humour, and that individual segments of the Advertisement will be seen in this context.*

*Whilst there may be a number of viewers who do not find the Advertisement funny or tasteful, the Advertisement does not discriminate against or vilify the aforementioned groups. As the ASB has previously stated, MLA Australia Day commercials are "over the top and [are] not intended to be taken seriously by members of the community" (0020/10).*

*MLA also notes that several complaints propose hypothetical advertisements featuring*

*various minority groups (replacing the fictional vegan expatriate character). MLA submits, as noted in 0210/15, that the role of the ASB is to consider each advertisement on its own merit and not to address hypothetical alternatives.*

*For these reasons, the Advertisement should not be considered to portray any discrimination or vilification on account of religion, race, political belief or any other social value. We therefore submit that Section 2.1 of the Code has not been breached.*

## *1.2 Violence*

*MLA submits that the Advertisement does not present or portray any act of violence which breaches Section 2.3 of the Code.*

### *(a) Alleged violent behaviour*

*The complaints of violence relate to the scene identified above in which a fictional expatriate identifies his dietary choice as vegan and the fictional military operative over-dramatically flames a bowl of kale and tofu which is sitting on a coffee table in the expatriate's apartment. The scene is intended to be humorous and absurd, with the roasting of kale and tofu as a figurative nod to the increasing popularity of cuisines and dining options which may involve dietary choices other than meat, including lamb.*

*Many complainants have mistaken this scene as depicting the "torching [of] a vegan's house" or implying that "vegetarians should be killed". MLA strongly submits that no such message is conveyed. The scene clearly shows the bowl of kale and tofu being torched - there is no suggestion whatsoever that any violence or harm is directed towards the fictional vegan expatriate or the apartment itself. The target of the flame is the bowl of kale and tofu which is sitting on a coffee table several meters away from the character and not the vegan character or his apartment.*

*Reasonable members of the community will not perceive the far-fetched and satirical torching of the kale and tofu as an act of violence against a particular person or suggesting that "people who are vegan deserve to have their house burnt down." The reasonable viewer would not consider this scene to be realistic or a portrayal of violence, particularly in the context of the Advertisement's overall exaggerated tongue-in-cheek military tone which persists throughout the duration of the Advertisement. The Advertisement opens with large-scale exaggerated elements which "set the scene" for what is to come (mind-Winter Warsaw; an aircraft carrier at sea), adding scale and authenticity to the portrayal of this military operation which a reasonable viewer would ordinarily associate with an operation of this nature and scale. As the operation continues, the use of a flamethrower to torch a bowl of kale and tofu only serves to add to the overall far-fetched, satirical tone of the Advertisement. Viewers then witness the farcical rescuing of "Princess Mary" from the palace balcony and a covert operative Gary partially-emerging from the pool in Bali - further examples of military references which establish the context and tone for the whole Advertisement from start to finish. MLA takes its responsibilities under the Code seriously and by no means condones acts of violence or bullying.*

*To the extent the ASB were to consider the scene to involve a portrayal of violence, MLA submits it is justifiable in the context of the humorous, satirical and farcical military-style Advertisement which is not likely to cause alarm or distress to the reasonable viewer and campaign to encourage Australians to eat lamb on Australia Day (as was previously considered by the ASB in 0013/14).*

*For completeness, MLA notes that it did not and will not broadcast the Advertisement on free-to-air commercial television. The Advertisement was created for and published by MLA*

*only on social media platforms (e.g. Facebook, YouTube) and other online platforms operated by MLA.*

*(b) Alleged cruelty to animals*

*A small number of complainants contend that the Advertisement encourages cruelty to animals. MLA submits that its promotion of the consumption of lamb on Australia Day does not constitute animal cruelty. Members of the community are entitled to have differing dietary preferences and MLA is clearly not prohibited by the Code from promoting the consumption of meat, including lamb.*

*1.3 Health and safety*

*(a) Alleged bullying / unsafe behaviour*

*MLA submits that the Advertisement does not promote bullying and is not in breach of Section 2.6 of the Code. The complaints of bullying and unsafe behaviour relate to the scene identified above in which a fictional military operative dramatically enters the vegan character's apartment. MLA contends that the reasonable viewer would appreciate the hyperbolic humour in this scene, particularly in the context of the overall Advertisement. The fictional military mission is clearly far-fetched and would not be perceived by the reasonable viewer as an act of or endorsement of hooliganism, vandalism or any other criminal or dangerous behaviour. As noted above, there is no suggestion whatsoever that any violence or harm is directed towards the fictional vegan expatriate or the apartment itself.*

*One complainant also suggested that the entry of the fictional operatives from the glass ceiling in the Tokyo scene placed the "occupants at serious risk of injury." MLA contends that this particular scene is clearly fanciful and spoofy. The return of the Australian expatriate is the target of the fictional mission and the local businesspeople are not depicted to be in any danger. None of the occupants are harmed and a reasonable viewer would recognise the exaggerated nature of this scene (in the context of the Advertisement as a whole).*

*(b) Promoting a healthy balanced diet*

*A small number of complainants have suggested that the Advertisement promotes a food product that is harmful to consumer health. The Advertisement in no way suggests that lamb is only the food required to maintain a healthy diet, and the reasonable viewer would not take away this tenuous message. The Advertisement simply promotes the consumption of lamb on Australia Day and does not contain any health or nutrition content claims.*

*Nonetheless, MLA notes that:*

*i. A serving of lamb is a good source of iron, zinc, vitamin B12 and protein which are recognised as important for normal growth and development in children;*

*ii. The current Australian Dietary Guidelines published in 2013 by the National Health and Medical Research Council recommend that a diet include 65g per day or 130g every second day of cooked lean red meat such as lamb; and*

*iii. The Cancer Council continues to recommend a moderate intake of lean red meat, such as lamb, in accordance with the Australian Dietary Guidelines.*

*Accordingly, MLA submits that the Advertisement does not depict or encourage material*

*contrary to Prevailing Community Standards on health and safety.*

#### *1.4 Exploitative and degrading*

*MLA notes that it has not been made aware of any complaints regarding alleged breaches of Section 2.2 of the Code. Nonetheless, MLA submits that the Advertisement does not contain material which could be considered exploitative and/or degrading in breach of Section 2.2 of the Code.*

#### *1.5 Sex, sexuality and nudity*

*MLA notes that it has not been made aware of any complaints regarding alleged breaches of Section 2.4 of the Code. Nonetheless, MLA submits that the Advertisement does not contain any material of a sexual nature and certainly not that which treats sex, sexuality and nudity with insensitivity to the relevant audience in breach of Section 2.4 of the Code.*

#### *1.6 Language*

*MLA notes that has not been made aware of any complaints regarding alleged breaches of Section 2.5 of the Code. Nonetheless, MLA submits that the Advertisement does not contain any language that is inappropriate in the circumstances in breach of Section 2.5 of the Code.*

#### *Conclusion*

*In view of the above, we consider the complaints should not be upheld.*

## **THE DETERMINATION**

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

The Board viewed the advertisement and noted the advertiser’s response.

The Board noted the advertiser’s confirmation that there are two versions of the advertisement that likely have been viewed on television. The long version is the version referred to in case reports 0018/16 and 019/16. The Board noted that this version has not been paid to be broadcast on free to air television. The Board noted however that this full version of the advertisement has been reported and reviewed on commercial television networks and on programs such as Sunrise and that as a result many complaints referred to this long version being broadcast on television.

The Board noted the advertiser’s response that “MLA has no input into the editorial or programming decisions of such commercial television broadcasting networks.” In addition the Board noted the advertiser’s advice that “the advertisement does not have a CAD reference as it was created for and published only on social media platforms and has not been broadcast by MLA or at its request on free-to-air commercial television.”

Based on the information provided by the advertiser, the Board noted that the broadcast of the advertisement as part of a program or similar editorial is not within the scope of the Board’s remit and cannot be considered in this medium at this time.

The Board considered only the 30 second version of the advertisement that was the advertisement that was broadcast as an advertisement on television. The Board noted that this advertisement is significantly shorter and has less content than in the long version of the advertisement shown on the internet.

The Board therefore noted the complaints that related to the 30second version of the advertisement and that these related only to the use of the term ‘Operation Boomerang’, and an overall suggestion of terrorism or violence.

The Board noted that in this instance the advertisement is a continuation of the irreverent theme used in past versions of the advertiser’s promotion of lamb for Australia Day and considered that whilst some members of the community could find the advertisement to be in poor taste, as the issue of taste does not fall under the Code of Ethics the Board is unable to consider this aspect of the complaints when making its determination. The Board noted that its determination is based only on the provisions of the prevailing advertiser Codes.

The Board noted that the advertisement features newsreader Lee Lin Chin promoting the consumption of lamb on Australia Day and giving the instruction to commence ‘Operation Boomerang’ which is explained to be the recovery mission of rescuing Australians from various countries so that they will be able to eat lamb on Australia Day. The scenes depicted involve a military style SWAT team preparing to perform repatriation exercises to rescue these people.

The advertisement features scenes of the SWAT team approaching an Australian business man in an office in Japan, a dentist in the United States, a Rugby player in England, and an ex-cricketer in Indonesia. In comparison to the long version of the advertisement the team are not seen evacuating the people and the scene related to a Vegan man in his home is not included in this version of the advertisement.

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 first considered complainants concerns that the advertisement is discriminatory towards Indigenous Australians because of the reference to ‘Operation Boomerang.’

The Board noted that most members of the community would be familiar with the origins of a boomerang and additionally the colloquial meaning of boomerang as ‘something that is expected to be returned.’ The Board noted that the use of the tagline or phrase “Operation Boomerang’ as used in the advertisement is tongue in cheek and is meant as "return to sender". The Board noted that the mission is to rescue Australians from various places around the world and return them to Australia for Australia Day celebrations and that is clearly what is being undertaken in the advertisement and is not parodying Indigenous people in any way.

The Board noted that the overall tone and theme of the advertisement is intended to be humorous and considered that the advertisement did not depict material that discriminated against or vilified any person or section of the community.

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

The Board then considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted complaints that the overall look and feel of the advertisement is violent and suggestive of terrorist attacks.

The Board first considered whether the advertisement is suggestive of terrorism. In the Board's view, most members of the community would understand this advertisement to be a humorous take on movies such as James Bond and Austin Powers style movies – in particular through the use of Lee Lin Chin in the main character role. In the Board's view the advertisement is unlikely to be viewed as depicting or condoning terrorist behaviour and that the level of action and implied violence is not inappropriate for the likely audience.

The Board noted that the product advertised is lamb and that of itself the use of violence in an advertisement is not relevant to the product. The Board noted however that it has previously considered that scenes of action and violence can be acceptable even though the action and violence are not related to the product. The Board has on occasions considered such action scenes acceptable where they are presented in an unrealistic, exaggerated and humorous manner (0370/10 Fisherman's Friend, 0262/13 Boost, 0017/11 Inspiration Paint Store).

The Board considered that the advertisement is clearly a depiction of a fantasy situation where SWAT style teams are bringing Australians back to Australia for Australia Day. There are exaggerated and unrealistic situations which have the look and feel of a movie. In the Board's view these images are all clearly pre-emptive of an evacuation strategy about to happen and are fantasy and unrealistic and are not depictions of violence.

The Board noted that the advertisement had been given a "G" rating by CAD and that it had been aired in the timeslots appropriate for the rating.

The Board considered that as there is no actual violence or suggestion of menacing behaviour and the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did not breach the Code of Ethics, the Board dismissed the complaints.