



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0024/11</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</b>
<b>5</b>	<b>Date of Determination</b>	<b>19/01/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.5 - Language      Use appropriate language
- 2.2 - Violence Cruelty to animals
- 2.1 - Discrimination or Vilification    Disability
- 2.1 - Discrimination or Vilification    Nationality
- 2.1 - Discrimination or Vilification    Other
- 2.1 - Discrimination or Vilification    Race

### DESCRIPTION OF THE ADVERTISEMENT

Sam Kekovich promotes the eating of lamb on Australia Day 2011. Sam is shown in front of various European backdrops and for each one he talks about how the eating of lamb is declining in these places, which is un-Australian. He refers to people as Cretins in one scene.

### THE COMPLAINT

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

*The term cretin is a medical term which describes a person so affected with the condition but as with words such as spastic and lunatic it can also have a vulgar connotation and can be used disparagingly. Cretin became a medical term in the 18th century from an Alpine French dialect; it saw wide medical use in the 19th and early 20th centuries and then spread more widely in popular English as a markedly derogatory term for a person who behaves stupidly. Because of its pejorative connotations in popular speech health-care workers have mostly abandoned cretin.*

*My son who was born with hypothyroidism could easily have become a "cretin" and we both cringe every time we hear the term used in a manner such as the advertisement featuring Sam*

*Kekovich. I turn the channel every time I hear his voice just so I cannot listen to him use the word "cretin".*

*I am sure other sufferers would feel the same.. Sam Kekovich may as well have said "spastic". The advertisement is good other than the "cretin" statement. I will continue to turn off as many of my friends and family.*

*I am deeply insulted by this ad and I know I am not alone. This ad states: "Don't be un-Australian! Eat Lamb on Australia Day!"*

*Now I am vegetarian and I will not eat a dead infant lamb on Australia day. Does this make me Un-Australian? This advertisement implies that to be Australian and be accepted into our culture people should consume lamb. I thought Australia was accepting of all people? This add is not only implying but stating that all vegetarians and vegans are not Australian because they are compassionate enough to refrain from eating meat.*

*I accept that many people eat meat and I cannot change this. What irritates me is that the Meat Industry is advertising for more slaughter when the VAST majority of Australians already eat meat.*

*I find this ad to be inappropriate as it directly targets minority groups as being quote "Un-Australian". I understand that the ad is meant to be a "joke". But I feel that it goes too far and attacks a core value of Australia that is freedom of choice. I do not believe that any industry has the right to sell its product by making people feel that there is a right and wrong choice about diet or any other lifestyle choice.*

*There are many members of the community of Australia who chose not to eat meat and/or chose not to drink alcohol. No one has the right to claim that "an Australia Day diet should consist of a few juicy lamb chops and beer". For whatever reason some people are not able to or do not want to participate in these activities and they should not be made to feel in any way inferior for their choices. I believe that this ad should be removed from the air immediately. Advertisers should not be allowed to create cultural divides based on diet.*

*The effects of these such ads are far reaching giving the wider community a feeling of validity in ridiculing those who are different or fail to fit their ideal mould of a "true blue Australian". I believe that these ads even though they have a light hearted intention in fact give credit to social discrimination based on race culture and beliefs.*

*I have personally observed this discrimination and been subjected to derogatory remarks as a direct result of these ads.*

*I was offended by this advertisement because it states that people who don't eat lamb are un-Australian. I have hemochromatosis and can't eat meat due to this medical condition. I find it offensive that it is made clear that I don't love or care about the country I live in because I have a medical condition which I cannot help. I feel that this advertisement is discriminatory and insulting.*

## **THE ADVERTISER'S RESPONSE**

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

*The Lambassador television commercial is the seventh in a series of Sam Kekovich Australia Day lamb commercials. The advertisements are well known for their satirical, tongue in cheek expression of over the top views delivered by Mr Kekovich. As in previous years, they*

*have attracted favourable media comment for their light hearted humour, and are widely anticipated by members of the public at this time every year. See, for example, the attached excerpt from the Channel Seven Sunrise program in which the program hosts say that they look forward to the Sam Kekovich Australia Day lamb commercials every year and that they are "very funny". Other positive comments have been received on social media websites such as Facebook Twitter and Youtube.*

*The MLA notes that the Advertising Standards Board (ASB) has considered complaints directed at previous Sam Kekovich Australia Day lamb commercials, and has, correctly in our view, taken a robust approach to the content of the advertisements: see for example ASB report for complaints reference 33/08 and 20/10.*

*MLA also notes that its advertising agency, BMF, received approval for the Lambassador commercial from Commercials Advice Pty Limited (CAD) (approval numbers PTGRDFDA - PG version and WTGT5FDA - W version). CAD gave the commercials a rating of PG and W. MLA also engaged communications consultants, Cultural Perspectives, to advise as to any culturally sensitive issues arising from the Lambassador commercial. Cultural Perspectives did not identify any matter that in its view was likely to be culturally sensitive.*

*The first complaint (received January 12 2011) complains that Sam Kekovich refers to people as "cretins" in a way likely to cause offence to people suffering from the medical condition of cretinism or hyperthyroidism. This appears to be a complaint with respect to section 2.1 of the AANA Code of Ethics (the Code) and/or Section 2.5 of the Code.*

*As can be seen from the attached script, Mr Kekovich was referring to people as Cretans, being people from the Greek island of Crete. The reference to Cretans arises in the context of a shot of Mr Kekovich in Greece, complaining that "the Greeks have gone from lamb and pitta to deep fried chook and pizza".*

*MLA acknowledges that as spoken by Mr Kekovich, the reference to Cretans – phonetically identical to cretins as that word is used in the medical sense – may have been lost on some viewers. MLA notes, however, that when used in a pejorative sense, cretin generally tends to be pronounced as kret'n; i.e. with a soft as opposed to hard e sound.*

*In our submission, in light of the Greek context, and the colloquial pronunciation of the word cretin, most viewers would have understood the reference to Cretans as a light hearted play on words that was not intended in any way to cause offence to persons suffering from the medical condition of hyperthyroidism.*

*Regarding the complainant's suggestion that "Sam Kekovich may as well have said spastic", MLA submits that the reference to Cretans in the Lambassador commercial can in no way be compared to an advertisement which used the word "spastic" in a pejorative sense. Quite apart from the obvious play of words in the Lambassador commercial, the word cretin, while arguably mildly vulgar, has come to have a colloquial meaning that is quite unrelated to its medical meaning.*

*MLA submits that neither the reference complained of, nor any other aspect of the Lambassador commercial, breaches section 2.1 of the Code. That section prohibits advertising or marketing which portrays people or depicts material in a way that discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief. In particular, neither people with the medical condition of hyperthyroidism, nor people from the Greek Island of Crete, are vilified or discriminated against in the commercial.*

*Nor, in MLA's submission, does the Lambassador commercial breach section 2.5 of the Code. This is particularly so given the obvious play on words employed throughout the Lambassador commercial. However, even if this context was lost on some viewers, MLA submits that the commercial does not use language which is strong or obscene, or inappropriate in the circumstances.*

*The second complaint (received 16 January 2011) complains that Sam Kekovich implies that to be Australian and accepted into Australian culture, people must eat lamb. The complaint appears to be based on vilification of vegetarians, a ground of complaint which does not fall within any section of the Code.*

*In any event, MLA submits that the Lambassador commercial does not in any way vilify or discriminate against persons who choose not to eat meat. On the contrary, it is a light hearted, humorous plea for meat eaters to eat more lamb.*

*The third complaint (received 13 January 2011) refers to an Australian flag in the background. No Australian flag appears in the Lambassador commercial: the complainant appears to be referring to an earlier Australia Day commercial that is no longer on air. While the unidentified complainant refers to discrimination based on "race, culture and beliefs", the complaint also appears to be concerned with vilification of vegetarians and persons who choose not to drink alcohol. The complainant suggests that the commercial ridicules persons who choose not to eat meat or drink alcohol, and is likely to make them feel inferior.*

*Firstly, as already noted above, there is no provision in the Code for vilification of persons on the ground of their dietary choices. Nor is there any provision for vilification or discrimination based on "beliefs", as opposed to political beliefs or religious beliefs. In any event, the Lambassador commercial promotes consumption of lamb, not consumption of alcohol. The only two references to alcohol are the words "put down your beers" in the opening of the commercial, and a reference to Lambrusco towards the end. In MLA's submission there is no breach of the Code, nor of section 2.2 of the AANA Food & Beverages Advertising & Marketing Communications Code.*

*Secondly, it is farfetched to suggest that the commercial vilifies vegetarians, or anyone else for that matter, on the basis of race, culture or beliefs. As already noted, the satirical and light hearted references to Greeks, the French and the Dutch not eating lamb do not amount to vilification or discrimination on the grounds of race, ethnicity, nationality or any other ground relevant to section 2.1 of the Code.*

*The fourth complaint (received 15 January 2011) complains that the suggestion that people who don't eat lamb are "un-Australian" offends people who cannot eat meat due to a medical condition. The unidentified complainant says that the Lambassador commercial suggests that such persons do not love or care about the country they live in.*

*As previously noted, MLA submits that the commercial in no way vilifies or discriminates against persons who do not eat meat. In particular, the commercial does not, in breach of section 2.1 of the Code, vilify or discriminate against persons who, due to a medical condition, cannot eat meat. MLA submits that it is farfetched to suggest that the commercial suggests that such persons do not love or care about their country.*

*We have been requested by the ASB to address any other issues within the Lambassador commercial that may be thought to fall within the Code.*

*In this regard, the MLA notes that the commercial includes a reference to "cafes in Amsterdam serving the wrong type of joint". Anticipating any concern that this reference may fall within section 2.6 of the Code, which prohibits the depiction of material contrary to Prevailing Health Standards on health and safety, MLA submits that there is nothing in the commercial that breaches this section of the Code. There is no depiction of drug taking (merely a depiction of a café filled with smoke), nor any advocating of drug use. The play on the word "joint" would be understood by viewers as a reference to the widely known fact that coffee shops in Amsterdam are legally permitted to sell cannabis to their customers.*

*In view of the above, MLA respectfully submits that the complaints should not be upheld as the Lambassador commercial complies with the provisions of the AANA Code.*

## **THE DETERMINATION**

The Advertising Standard Board ('the Board') considered whether the advertisement complied with section 2 of the AANA Code of Ethics ('the Code').

The Board noted the complainants' concerns that this advertisement uses language which is offensive to those with disability, is offensive to people who don't eat meat, implies it is un-Australian to not eat lamb, and uses inappropriate language.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement features Sam Kekovich promoting the eating of lamb on Australia Day 2011. The Board noted that it has previously considered similar advertisements (27/09 and 20/10) and that the Australia Day advertisements are now well known for their irreverent tongue in cheek humour during their short term January campaign.

The Board considered that the advertisement is not intended to be taken seriously and that Sam's remarks are made out of a satirical and theatrical commentary on major news stories over the past 12 months.

The Board noted that in the advertisement, Sam refers to, and comments on, many different European nationalities and in one scene refers to people from Crete as 'Cretans'. The Board considered the complaint that the word used was 'cretins' and that this was an offensive remark to those with a particular disability. The Board noted the similarity of 'cretin' and 'Cretan' and considered that in this instance, the complainant had misheard the word. The Board considered that this advertisement does not discriminate against or vilify a person or section of the community on account of disability.

The Board noted the advertiser's response that they engaged communications consultants, Cultural Perspectives, to advise them to any culturally sensitive issues arising from the Lambassador commercial. Cultural Perspectives did not identify any matter that in its view was likely to be culturally sensitive. The Board considered that most people would understand the advertisement as humorous and considered that it did not discriminate against or vilify a person or section of the community on account of nationality.

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 there is no serious disparagement of people who do not eat meat.

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.

Based on the above the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. 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 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided."

The Board noted that in the advertisement, people from Crete are referred to as 'Cretans'. The Board noted that a complainant believed the word 'cretin' was used and considered that the complainant had misheard.

The Board considered that the advertisement did not contain any language which was strong or obscene, and determined that the advertisement did not breach section 2.5 of the Code.

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