



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0032/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Aldi Australia</b>
<b>3</b>	<b>Product</b>	<b>Alcohol</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>24/02/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Nationality

## DESCRIPTION OF THE ADVERTISEMENT

This large format, outdoor poster was displayed in Victoria and New South Wales during the period 27 December 2015 to 24 January 2016. The poster contained a picture of a bottle of ALDI Highland Earl Whiskey with the text, "Cheap and Scottish. Act surprised. \$29.99. Don't knock it till you try it."

## THE COMPLAINT

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

*This advert is racist, it plays on a cultural stereotype that Scottish people are tight with their money and it is deeply offensive to me as a Scot.*

## THE ADVERTISER'S RESPONSE

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

*The only part of the AANA Code of Ethics which Aldi considers could even arguably be engaged by the complaint is clause 2.1.*

*"Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account*

*of race, ethnicity, nationality..." (inapplicable words are omitted).*

*Aldi accepts that the identification of "Scottish" person is an identification which will fall within one or more of race, ethnicity or nationality.*

*The complaint made against Aldi is that the advertisement is "racist", "plays on a cultural stereotype that Scottish people are tight with their money", and is "deeply offensive" to the complainant, who is Scottish.*

*Aldi considers that the advertisement fully complies with AANA Code of Ethics.*

*The advertisement is a light hearted, humorous statement intended to emphasize that Aldi Highland Earl Whiskey is "cheap".*

*However it is a complete misunderstanding of the advertisement to take from it (as the complainant does) that the assumed basis for the message is that "Scottish people are tight with their money". Rather the tag line in the advertisement is based on the idea that shoppers should not be surprised that scotch whiskey is available from Aldi at a "cheap" price; because of the stereotype of Scottish persons as prudent and careful shoppers with an eye for a bargain. They are not wasteful, profligate spenders. The advertisement attempts to draw together Aldi's reputation as a low price, high value retailer, the price of this particular bottle of scotch whiskey at \$29.99, and this stereotypical reputation of Scots as persons who are not wasteful with their money to counsel consumers that they may need to "act surprised" at Highland Earl Whiskey being available for only \$29.99 when (in reality) a cheap price for this whiskey from Aldi is entirely to be expected.*

*Aldi considers that this understanding of the advertisement is the one that members of the community, even those who are Scottish or of Scottish descent, would share. While the message is a matter of impression, in support of its position Aldi note that it is seeking to "puff up" the attractiveness of its own offer of cheap scotch whiskey. It would make no sense at all for Aldi to seek to communicate a message of "meanness" of Scots persons in doing this. To light heartedly play on a notion that Scots persons have a reputation for being prudent spenders is a great distance from vilification, which would humiliate or intimidate Scottish persons or incite hatred or contempt or ridicule towards them (as the AANA Practice Note says is what is intended by the term "vilification").*

*By way of comparison and in support Aldi refers to the "cheap scot" website at <http://thecheapscot.blogspot.com.au/>, an Australian website which is based on the following premise stated at its outset.*

*"I like to consider myself a money saving expert because I have two things going for me; I'm a college student and I'm Scottish. I'm hard wired to be cheap and have figured out many ways to help people out with money saving, as well as how to make money quickly and easily."*

*This is but one example of a depiction of frugality which makes reference to this reputed characteristics of Scottish behaviour. This website, like the advertisement, could not reasonably be understood as depicting Scots as "mean".*

*Aldi submits that applying prevailing Australian community standards, the advertisement cannot be said to be in breach of clause 2.1 of the Code. It would very clearly not be in the interests of a company like Aldi to seek to discriminate against or vilify section of its own customer base, and it has not done so.*

*We note that the ASB's letter to us of 27 January 2016 has indicated that our response should address all parts of section to the AANA Code of Ethics including 2.2 (Exploitative and Degrading), 2.3 (Violence), 2.4 (Sex, Sexuality and Nudity), 2.5 (Language) and 2.6 (Health and Safety). We can see nothing in the advertisement which could possibly raise any objection under any of these sections, but if we have missed any way in which the advertisement could be seen to contravene any part of those sections would you please let us know and we will any concern raised.*

*For the sake of completeness we have also considered the AANA Food and Beverages: Advertising and Marketing Communication Code and again can see nothing in that Code which could be an issue having regard of the content of the advertisement.*

## **THE DETERMINATION**

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

The Board noted the complainant’s concerns that the advertisement is racist towards Scottish people.

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

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

The Board noted that this billboard advertisement features an image of a bottle of Aldi whisky and the text, “Cheap and Scottish. Act surprised”.

The Board noted it had recently dismissed a similar complaint about a radio advertisement for the same advertiser in case 0002/16 where:

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

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

In the current advertisement the Board noted that the only image is of a bottle of whisky and considered that as there are no people depicted the focus of the text is on the whisky rather than a person or group of people. The Board noted that whisky is not a cheap drink and considered that by marketing a bottle of whisky as ‘cheap and Scottish’ the advertisement is making a factual statement about the low price of a product which is commonly associated with Scotland and can therefore be considered Scottish. The Board acknowledged that there is a stereotype associated with Scottish people and not wanting to spend money but considered that in this instance even if you interpreted the advertisement as making a reference to this stereotype the words used are not derogatory and are unlikely to cause

offense to most reasonable members of the community.

Overall the Board considered that the advertisement's slogan is correct in stating that the whisky advertised is cheap and that it is Scottish and that the call to action to act surprised is based on the low price for authentic products (i.e. Scotch Whisky from Scotland), of which the supermarket chain ALDI is known for.

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

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

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