



Case Report

1	Case Number	0047/12
2	Advertiser	7-Eleven Stores Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Print
5	Date of Determination	22/02/2012
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.1 - Discrimination or Vilification Physical Characteristics

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features an image of a “Ginger Beer” flavoured SLURPEE drink on a sandy beach with the slogan “FLAVOURS OF SUMMER”. It is accompanied by the text: “Ginger was less popular than a redheaded step-child until some clever so-and-so turned it into a drink. Now that Ginger Beer is a Slurpee, it’s more popular than sizzling prawns on a barbie.”

THE COMPLAINT

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

Children become stepchildren through no actions of their own and often suffer from the disintegration of their family of origin. Neither do they choose their hair colour. I am offended that 7/11 has the gall to label these children as unpopular. It is racist and biased against children of blended families - as if stepchildren don't have enough to worry about.

THE ADVERTISER’S RESPONSE

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

A complaint has suggested that the advertisement may breach section 2.1 of the AANA Code of Ethics, which states: "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."

The advertisement is part of a series of advertisements promoting special-edition SLURPEE flavours that are available in 7-Eleven stores for a limited time. Each advertisement in the series includes a blurb that personifies the relevant flavour. For example, another advertisement for "Lemon Lime Bitters" flavour reads: "Lemon and Lime hardly ever agree on anything. Lemon listens to The Beatles, Lime the Stones." Another for "Orange Mandarin" flavour reads: "Ever since Orange got in there first and took the obvious name, Mandarin has been annoyed. But now that's all juice under the bridge as they get together to make a yummy new Slurpee." Clearly, these blurbs are all fictional stories and are not meant to be taken seriously, in keeping with 7-Eleven habit of quirky and fun advertising.

In this case, the "Ginger Beer" is personified by a character named "Ginger", a term which is commonly associated with red hair. The reference to the character being "less popular than a red-headed step-child" plays on a jocular perception that red-heads tend to be unpopular, implying that even a step-parent would want to disassociate themselves from a step-child with red hair. Of course, such a situation is clearly fanciful and not likely to be taken seriously to mean that either red-heads or step-children should not have a loving family. This line is only a small part of the overall advertisement which cleverly relates back to the name of the flavour being promoted, namely, "Ginger Beer". The copy then goes on describe how popular "Ginger" has become.

The campaign has been a resounding success, we have not received any complaints, and we have received positive feedback about this advertisement in particular. We were disappointed to hear that a complaint has been received by the ASB. We respect the complainant's right to voice her concerns, even though it may not be a view shared in the wider community. The advertisement was meant as light-hearted fun and we are confident that the target of audience for the advertisement (namely, Generation Y, ages 13–34 years old) would not be offended and rather would appreciate the sense of humour which reflects broad community attitudes.

It should also be noted that the advertisement does not actually refer to any of the characteristics mentioned in section 2.1 (i.e., race, ethnicity, nationality, etc.). Although it is true that people with red hair most commonly have light skin tone, this is not to say that all red-headed people are of the same race, nor that all people of a particular race have red hair. Accordingly, no particular race, ethnicity or nationality has been singled out in the advertisement. We therefore struggle to understand the complainant's claim that the advertisement is "racist".

It is therefore our view that the advertisement does not breach clause 2.1 of the AANA Code.

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 discriminates against children with red hair and step children.

The Board viewed 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 it had previously considered complaints regarding the negative portrayal of people with red hair in case reference 148/10 where it found that the situations depicted were so incongruous with the road safety message of the advertisement, they would be considered by most people not to be a serious suggestion that red headed people are undesirable. The Board considered in that instance that the advertisement did not discriminate against or vilify red headed people.

The Board considered in this instance however the reference to being "...less popular than a red-headed step child..." was a statement which was negative and one which oversteps the line between lighthearted humour and makes a strong suggestion that an identifiable group of children is vilified. The Board considered that the advertisement made a direct, negative comment about red headed step children which most members of the community would find unacceptable.

The Board considered that the advertisement depicted material which discriminated against people on account of having red hair and/or being a step child and therefore breached Section 2.1 of the Code.

Based on the above the Board determined that, in this instance, the advertisement did depict material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did breach Section 2.1 of the Code.

Finding that the advertisement breached Section 2.1 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

We have noted and accept your verdict from the above case and we are discontinuing and removing any current advertising regarding the "GINGER BEER". Whilst the promotion is being discontinued there is, in the circumstances, disappointment at the determination which has been reached.

