



## Case Report

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|---|-------------------------------|-----------------------------------|
| 1 | Case Number                   | 0054/17                           |
| 2 | Advertiser                    | Trelly's Tackle World Shepparton  |
| 3 | Product                       | Retail                            |
| 4 | Type of Advertisement / media | TV - Free to air                  |
| 5 | Date of Determination         | 08/02/2017                        |
| 6 | DETERMINATION                 | Upheld - Modified or Discontinued |

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Race
- 2.1 - Discrimination or Vilification Religion

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man sitting in a camping chair and holding a fishing rod. Australia flags can be seen flying behind and next to him and the on-screen text reads, "Australia Day Sale! Now on. Trelly's Tackle World". The man says, "G'Day Australia. Here at Trelly's we welcome all new Australians, especially those ones who assimilate". We then see various products available to purchase from Trelly's and a voiceover describes them and the prices. The man in the chair then holds up a can and calls to a person (not seen), "Hey Habib, get me another beer while you're there".

### THE COMPLAINT

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

*In my opinion the ad is discriminatory and racist. I believe the ad specifically points to 'the assimilation' of immigrants/refugees and then asks for 'Habib' to get him another drink*

### THE ADVERTISER'S RESPONSE

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

*Please find attached my ad, some of which is inspired by the TV Comedy 'Here Come the Habibs'.*

*Response to cases 0054/17 and 0069/17*

*Let me start by saying that i am deeply offended by the Author of such a letter.*

*[The complainant] remarked as to me aggressively attacking Muslims, yet I have not used the term Muslim at all.*

*[The complainant] goes on to say that kebabs are a food key in some cultures and predominantly Muslim but does not go as far as to say that kebabs are exclusive to some cultures and that a kebab cannot be made out of pork .*

*To the contrary, kebabs can come in the form of thin bread rolls with contents such as lettuce, tomatoes, garlic and a variety of meats.*

*It can also be in the form of a wooden spike that can contain onions, capsicum, tomatoes various meats and garnishes, some of which can also contain port, wine and alcohol. There is nowhere that I have found that a kebab cannot be made without pork.*

*In fact I know of Muslims that eat pork, drink and deal in alcohol and whose families settled in this great country over 50 years ago.*

*These same people saw fit to assimilate in Australia and by that I mean abide by Australian Laws.*

*My ad did not in any way suggest that anyone who abides by our Laws is not welcome in Australia as [The complainant] writes.*

*I write this letter to whom this may concern with a reminder that in Australia we are free to eat and drink what we want within the laws of Australia and that [The complainant] is hiding behind the misuse of very loosely used words like Multiculturalism and Islamophobic.*

*I have also enjoyed by far a greater number of people who like my ad.*

## **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 discriminatory and racist in its reference to assimilation and the request to a person named Habib to supply a beer.

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 television advertisement features a man promoting products available to purchase in the advertiser's Australia Day sale and in the opening scene he says that Trelly's welcomes all new Australians, "especially those who assimilate" and in the closing scene he asks an unseen person named Habib to get him a beer.

The Board noted the advertisement's reference to assimilation. The Board noted that there is a current community dialogue around what it means to be Australian as well as what Australia could and should do with regards to immigrants and refugees and considered that this reference to assimilation is a suggestion that people moving to Australia should adopt the cultural behaviour of white Australian people in order to be accepted. The Board noted that assimilation policies were also part of a Government Policy on creating a uniform, white Australian culture last century, and considered that the use of assimilation in the advertisement is a reference that many members of the community would find offensive and culturally insensitive due to its negative associations, both historically and more recently.

The Board noted the advertiser's response that assimilation means abiding by Australian Law but considered that the actual meaning of assimilation is broader than that. The Board noted that the advertisement does not make any mention of a specific nationality or race of people but considered that by welcoming "especially those who assimilate" the suggestion is that new Australians should be separated in to those who are good and assimilate, and those who are bad and do not: a suggestion that in the Board's view does not treat people equally.

The Board noted that the Practice Note for Section 2.1 of the Code of Ethics provides the following definitions:

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

The Board noted the strong negative connotations of assimilation and considered that the advertisement's suggestion that by assimilating (taking on the habits, attitudes and way of life of another culture) you are more welcome in Australia than those who don't is encouraging unfair or less favourable treatment of a person based on their race or nationality of birth.

The Board considered that the advertisement did portray or depict material in a way which discriminates against a person or section of the community on account of race and/or nationality.

The Board noted the complainant's concern that the advertisement depicts a person named Habib being asked to fetch a beer for the man in the advertisement.

The Board noted that we do not see the person named Habib but considered that as this is a common Arabic name there is a strong suggestion that Habib is Muslim. The Board noted that after asking Habib to fetch a beer "while you're there" the man in the advertisement says that "you can change too" and considered that in the context of the opening statement

regarding welcoming those who assimilate, the most likely interpretation for this scene is that Habib is a Muslim who is being welcomed as a new Australian because he is about to have a beer himself. The Board noted that abstinence from alcohol is part of Islam and considered that the advertisement's suggestion that a Muslim man is drinking alcohol in order to be welcomed as a new Australian is vilifying as it is humiliating for Muslim people and incites contempt for a key part of their faith.

The Board considered that the advertisement did portray or depict material in a way which vilifies a person or section of the community on account of religion.

Overall the Board determined that the advertisement did breach Section 2.1 of the Code.

Finding that the advertisement did not breach Section 2.1 of the Code, the Board upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The ad that was the subject of complaint received by Advertising Standards Bureau will not aired or copied onto any public media via paper,TV or radio.