



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

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| 1 | Case Number | 0057/18 |
| 2 | Advertiser | Meat & Livestock Australia Ltd |
| 3 | Product | Food and Beverages |
| 4 | Type of Advertisement / media | Cinema |
| 5 | Date of Determination | 21/02/2018 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement is a satirical take on the Broadway classic, West Side Story with actors divided into two gangs, the "extreme left" and the "extreme right" who stand opposite each other in a typical suburban street in Australia. An onlooking mother cooks a barbeque in her front yard and nervously tells her children to go inside as a "satirical commentary on our current divided political climate" is about to take place. The actors proceed to converse in song and dance about current political issues in Australia.

THE COMPLAINT

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

This ad is offensive to literally anyone who has ever held any point of view ever. It's humour is outdated, racist, homophobic - I could go on. It seems to think it's satire but it's just genuinely offensive. In such a climate as the one we have now poking fun at





political correctness is absolutely so on the nose I can't believe it was allowed at all.

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 complaint should be dismissed.

The Advertisement forms part of MLA's annual "Summer Lamb" campaign. The Advertisement is premised on the tagline "You Never Lamb Alone" and is designed to highlight Australia's diverse political climate.

The Advertisement is a satirical take on the Broadway classic, West Side Story with actors divided into two gangs, the "extreme left" and the "extreme right" who stand opposite each other in a typical suburban street in Australia. An onlooking mother cooks a barbeque in her front yard and nervously tells her children to go inside as a "satirical commentary on our current divided political climate" is about to take place. The actors proceed to converse in song and dance about current political issues in Australia. The satirical nature of the Advertisement is clear from the words spoken by the mother and the fact that the actors are all conversing in song and dance.

The Advertisement concludes with the mother convincing both sides that "whether you are left or right, there's no right or wrong" and "no reason why we can't all get along". The scene ends with both sides uniting to enjoy a lamb barbeque. The overriding message of the Advertisement is one of inclusiveness, regardless of political belief or any other social values.

The CAD reference number for the Advertisement is G5E4AFDA. The CAD rating is G. The complaint

The complaint alleges that the Advertisement is offensive because it is racist and homophobic and it pokes fun at political correctness.

The ASB has identified Section 2.1 as a potentially relevant provision 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 Communications to Children.

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 or political belief."



Submissions

The complainant appears to allege that the Advertisement discriminates or vilifies people on account of their race, ethnicity and/or sexual preference.

MLA submits that this interpretation is unfounded. In fact, the Advertisement celebrates ethnic, racial, sexual and political diversity and does not promote any act of discrimination, prejudice or vilification. The Advertisement portrays a message that, while there are many topics upon which different Australians diverge, maybe lamb can bring everyone together.

Our detailed submissions regarding section 2.1 of the Code are set out below, however in response to the complainant's specific allegation that the Advertisement depicts "racism", "homophobia" and "pokes fun at political correctness", we note the following:

a) there is nothing in the Advertisement that depicts "racism" as suggested by the complainant. In casting the Advertisement, MLA deliberately selected actors from a range of racial and ethnic backgrounds. There is nothing in the Advertisement that suggests that any particular race or ethnic group is superior to any other race or ethnic group;

b) similarly, there is nothing in the Advertisement that depicts "homophobia" as alleged by the complainant. A homosexual male was selected to play the role of "Steve". Steve is portrayed as confident, articulate and well dressed. He speaks and moves in a theatrical manner consistent with the other actors and consistent with the fact that the Advertisement is a satirical musical scene. At no point does the Advertisement suggest any intolerance towards Steve including on account of his sexual preference;

c) the Advertisement pokes fun at political correctness when a member of the right gang jokes "stop with your constant political correctness. Now we can't even celebrate Christmas!". This comment is made in a clearly humorous context and in circumstances where many Australians are accustomed to seeing satirical content about political correctness. Importantly, the Advertisement does not suggest that political correctness is right or wrong. It simply highlights that this is an area in which members of the extreme right and extreme left may be divided. Accordingly, the Advertisement does not breach any provision of the Code by virtue of "poking fun" at political correctness.

Discrimination

MLA submits that the Advertisement clearly does not discriminate against any particular group of people on account of race, ethnicity, sexual or political preference.

There is nothing in the Advertisement that reveals inequity, bigotry, intolerance towards or unfair treatment of any such group. All of the actors are depicted singing and dancing in an "over the top" theatrical manner, with no particular person being treated more or less favourably than a person of another race, ethnicity, political or



sexual preference.

The Advertisement highlights that members of the extreme left and extreme right may differ in their views on certain topics such as climate change and same sex marriage, however the Advertisement does not convey that either position is right or wrong, or that one group should be treated more favourably than the other. To the contrary, the Advertisement acknowledges that there is no wrong or right and that both sides should be tolerant of each other's views.

In MLA's view, the Advertisement does quite the opposite to discrimination and conveys a message of inclusiveness and acceptance.

Vilification

In MLA's opinion, the advert does not humiliate, intimidate, incite hatred towards, contempt for or ridicule any particular racial, ethnic, sexual or political group and therefore does not reach the threshold required for vilification under section 2.1 of the Code.

The Advertisement is clearly satirical - all characters act theatrically and are stereotyped to some degree for the purposes of humour. Importantly, the Advertisement does not single out any particular person on account of race, ethnicity, sexual preference or political belief and treat them in a way that is more or less favourable to the way in which the other actors are depicted. No one is unfairly ridiculed or treated less favourably on account of their race, ethnicity, sexual or political preference.

Overall, we submit that the reasonable viewer will appreciate the satirical and contextual humour and will not perceive the Advertisement as humiliating or ridiculing any particular group of individuals on account of any social value. We therefore submit that Section 2.1 of the Code has not been breached.

For completeness, we further submit that the Advertisement complies with Section 2 of the Code in its entirety. Below is a short summary of our submissions regarding the remaining provisions of Section 2 of the Code.

*2.2 Advertising or Marketing Communications shall not employ sexual appeal:
(a) where images of Minors, or people who appear to be Minors, are used; or
(b) in a manner which is exploitative and degrading of any individual or group of people.*

The Advertisement does not employ sexual appeal.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.



The Advertisement does not present or portray violence.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Advertisement does not make any reference to sex or nudity.

Steve and Adam play the role of a homosexual male couple. They are both depicted as well dressed and well groomed. Steve, who has a speaking role, is depicted as articulate and well spoken. In creating the Advertisement, MLA was careful to ensure that the actor playing Steve acted with sensitivity to the audience, particularly homosexual males and, for that reason, the actor who plays Steve was selected because he is, in fact, a homosexual male. Both actors are shown to move in a theatrical manner consistent with the other actors and consistent with the fact that the Advertisement is a satirical musical scene. Neither Steve or Adam are depicted in a negative or insensitive manner.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.

The Advertisement includes a subtle reference to "BS" however we do not consider this to be strong or obscene or otherwise problematic for the purposes of section 2.5.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Advertisement does not depict any material that is problematic for the purposes of section 2.6.

2.7 Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience.

Any reasonable viewer will have no doubt as to the advertising nature of this content (in respect of lamb).

Conclusion

In view of the above, we consider the complaint should be dismissed.

Thank you for taking the time to consider our response. We look forward to receiving the ASB's determination in this matter.

THE DETERMINATION

The Ad Standards Community Panel (the "Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code")



The Panel noted the complainant's concerns that the advertisement is homophobic and racist.

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

The Panel 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 Panel noted this cinema advertisement features a West Side Story style musical where 'extreme left' and 'extreme right' gangs argue through song about political issues in Australia. At the end of the advertisement they all agree that they like lamb.

The Panel noted the complainant's concern that the advertisement was offensive to virtually everyone and was sexist and racist.

The Panel noted the advertiser's response that the advertisement was clearly satirical, and did not contain any material that may be considered vilifying of any people on account of race, ethnicity or sexual preference.

The Panel considered that there was nothing in the advertisement which referenced particular races or ethnicity. The Panel noted the advertisement contained people from a range of backgrounds and considered that at no point was any one person in the advertisement singled out or treated in a manner which was discriminatory or vilifying on the basis of race or ethnicity.

The Panel considered the section of the advertisement where one person sings 'It's Adam and Eve, not Adam and Steve'. A man then says, "Well I'm Steven and I lean right, Come on Adam", and grabs another man's hand and walks off screen.

The Panel also considered whether there was any discrimination based on political belief. Although there was reference to the 'extreme left' and 'extreme right', the advertisement treated both groups equally, without discrimination or vilification and in the end all the participants were shown socialising together.

The Panel considered while in some contexts the phrase 'Adam and Eve, not Adam and Steve' may be considered discriminatory, in the context of a satirical commentary on political issues this phrase is not seen to vilify a person or section of the community on the basis of sexual orientation.

The Panel considered that this was not a depiction of material in a way which discriminates against or vilifies a person or section of the community on account of



race or sexual orientation and 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 Panel dismissed the complaint.