



Case Report

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| 1 | Case Number | 0067/13 |
| 2 | Advertiser | Dick Smith Foods |
| 3 | Product | Food and Beverages |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 13/03/2013 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The advertisement consists of short satirical scenes interspersed with innuendo and facts regarding Dick Smith products which are all made in Australia. In one scene Dick comments that it is no wonder everyone is trying to get to Australia and in the background we see people getting out of a boat. The advertisement was produced specifically to air on Australia day and as such was a one off event.

THE COMPLAINT

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

This contained offensive material where Dick was seen to declare "no wonder everyone's trying to get here!" in front of images of actors, who I assume were supposed to be asylum seekers arriving on shore with the image of a burning and sinking boat in the background. Please get this racist crap off our screens!! It's offensive and inaccurate.

THE ADVERTISER'S RESPONSE

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

The complainant appears free to make an unsubstantiated accusation, utterly devoid of particulars, whilst we are required to provide a substantiated response that specifically addresses matters broadly dealt with in the Code of Ethics.

The anonymous complainant refers to a scene where Dick Smith is standing on a beach greeting new arrivals whilst declaring “why else would thousands be trying to get here” (Scene 7). The complainant asserts that this is “racist crap”.

We are therefore to assume from the use of the word “racist” that the complainant is insinuating that we have somehow breached clause 2.1 of the code. The second part of the accusation does not appear to be dealt with in the code.

Scene 7 is clearly satirical, juxtaposing the sad fact that immigration in Australia is a highly contentious, topical issue against the clearly farcical assertion that the Dick Smith Food’s product is the reason for the increasing number of immigrants. We purport that any reasonable person would understand this to be an absurdity.

Scene 7 contains no racial overtones. There is nothing to confer or imply any racial superiority upon any particular ethnic group, and nothing to confer or imply discrimination against any race. It does not vilify a race nor make any defamatory assertions regarding any ethnic background.

Whilst we understand that the attempted humour and use of satire is certainly not to everyone’s taste, we have received overwhelming public support for the advertisement, with the number of complaints utterly insignificant in comparison to the positive comments received. We believe that the community as a whole is mature and sensible enough to know that Scene 7 is a satirical comedy sketch that contains no racist connotations.

Over the years, Dick Smith Foods and its founder, Dick Smith, have given considerable financial support to organisations that support people seeking asylum in Australia.

Furthermore, Dick Smith has publically stated on several occasions that Australia should increase its humanitarian intake of refugees, hardly the work of a racist.

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 and offensive in its depiction of asylum seekers and a burning boat.

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 the advertisement features Dick Smith promoting his Australian food brands and that in one scene he states that it is no wonder people are trying to come here and we see asylum seekers wading out of water with a burning boat in the background.

The Board noted that there have been a significant number of boat tragedies in the recent past

and considered that to use a burning boat, albeit in a supposedly humorous manner, is insensitive to those who have been affected by such occurrences. The Board strongly agreed that the depiction of the burning boat is insensitive and inappropriate however in the Board's view it does not discriminate against people on account of race, ethnicity or nationality.

The Board noted that the advertisement makes light of asylum seekers who come to Australia and considered that the issue of boat people and immigration in general is an issue which is of significant concern to many Australians however the Board considered that in this instance the advertisement does not depict or portray asylum seekers in a manner which would be considered vilifying or discriminating.

The Board noted that the overall tone of the advertisement is light hearted and intended to be humorous and considered that whilst it would strongly recommend that Advertisers refrain from using images such as burning boats, in this instance the Board considered that the advertisement did not depict material which 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 considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that the advertisement features various adults saying that they "love Dick" and considered that whilst some members of the community may be uncomfortable with the level of sexual innuendo in the advertisement in the Board's view it is not so strong as to be inappropriate. The Board noted the relevance of the word 'Dick' to the name of the advertiser and considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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