



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0070/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Commonwealth Bank of Australia</b>
<b>3</b>	<b>Product</b>	<b>Finance/Investment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/03/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

This TVC is part of a series that features a range of people delivering simple, but humorous pledges to "start" something. This particular execution follows a cricket theme to help support the Commonwealth Bank's sponsorship of the Australian One Day International team and the Commonwealth Bank One Day International Series. It features pledges from a fanatical cricket fan in a wig, a tuckshop lady, a business man and concludes with a scene featuring Australian Cricketers Mike Hussy and Mitchell Johnson and a voiceover which states, "I will not Facebook friend the Indian team. Too messy."

### THE COMPLAINT

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

*I don't find the need to criticise Indian cricket team here and it doesn't look silly or sarcastic as is the theme of the advertisement. It looks like the two cricketers are making a straight comment there saying they don't want to Facebook friend Indian team. (Specially the comment "too messy")*

*I don't see the need for this sentence or its relevance in the advertisement. To add to this the second cricketer says "It's too messy" It is definitely offensive to me as an Indian. Regardless of how the teams work and play and regardless of the chemistry between both of the teams I would think it is not professional to let out such comments which can build the rage in Indian public residing in Australia. As it is we see lots of disconnection between the supporters of Australia and India and advertisements like this might work as a fuel to the fire existing.*

*The remaining campaign absolutely hilarious but once this statement is introduced I felt as if this was launched to offend Indians. I don't follow cricket at all and don't care where India is in cricket. When a person like me felt offended imagine how the great core cricket fans of India can be offended.*

*If you are still keeping the statement in the ad - all I can say is "good luck".*

## **THE ADVERTISER'S RESPONSE**

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

*We understand that the complaint has been made citing a breach specifically of Section 2.1 of the Advertiser 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, sex, age, sexual preference, religion, disability or political belief.*

*This advertisement is part of an integrated advertising campaign created to encourage people to "start" something new with the Commonwealth Bank. We've created this particular advertisement, featuring Mike Hussey and Mitchell Johnson, to link this campaign to Commonwealth Bank's support of the Australian One Day International Team and only features within the media context of the Commonwealth Bank Series telecast where Australia will be playing India.*

*In relation to the line in question delivered by the Australian players, it was certainly not our intention to offend, criticise or discriminate against the Indian Cricket Team or Australia's Indian community.*

*We feel the line is written and delivered in keeping with the light-hearted nature of the advertisement (and those in the series) and only aims to make light of (rather than fuel) the healthy rivalry that exists between these two great sporting teams. Specifically, the line "too messy" tries to exaggerate the hypothetical confusion that might be created if the two teams were to connect on Facebook whilst competing in International Cricket, all in a tone of good humour and sportsmanship.*

*For these reasons, we feel that the line remains relevant and should not be removed from the advertisement.*

*At Commonwealth Bank, we absolutely value and respect all of Australia's diverse communities and we believe that our people and practices reflect this. We would never discriminate against or vilify anyone on account of his or her race, ethnicity or nationality and feel in this case, we've maintained this standard in our advertising.*

*Please feel free to contact us if you have any additional questions or concerns.*

## **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 offensive to Indian people.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code 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, sex, age, sexual preference, religion, disability or political belief.”

The Board noted that the advertisement features people making cricket related pledges and that the final scene is of two Australian cricketers, Mike Hussy and Mitchell Johnson, pledging to “not Facebook friend the Indian team. Too messy.”

The Board noted the complainant’s concerns that the comments of the Australian cricketers are critical of the Indian cricket team as well as offensive to Indian people. The Board considered that the tone of the comments is in keeping with the spirit of the competition between the two cricket teams and the comments are made in a sporting context and not a racial one.

The Board noted the diversity of people making their pledges prior to the Australian cricketers and considered that the most reasonable members of the community would consider the advertisement to not be a racial slur on Indian people but a light hearted reference to the ‘messy’ implications of mixing sporting rivalry with online friendship.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community on account of race and did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.