



Case Report

1	Case Number	0083/16
2	Advertiser	FOXTEL Management Pty Ltd
3	Product	Entertainment
4	Type of Advertisement / media	Radio
5	Date of Determination	09/03/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Nationality

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a man with an Irish accent asking his children what they want to be when they grow up. The children, a boy and a girl, both reply that they want to be a riverdancer. A voiceover then says that in Ireland riverdancing is a national pastime but in Australia we would rather watch our team in every round of the NRL.

THE COMPLAINT

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

This is offensive in many ways. Firstly I personally find it insulting that they are making a mockery of and Irish tradition like dancing as I am a proud Irish citizen living in Melbourne. Secondly I find it offensive that the ad insinuates that Ireland would rather dance around than play sports when in truth Ireland has a proud sporting history and from this AFL and international rules games were formed. I also think it is insulting of Australians to say that rather than get up and dance and do physical activity people would rather watch fix sports on TV.

The way in which the ad uses stereotypes of the Irish people is lazy and inappropriate. It has no relevance to the product and I resent the use of Irish stereotypes to sell TV subscriptions. More to the point, the derogatory way in which they compare Australian people as superior to Irish is racist.

I take offence to your reference to the Irish population in this ad. We are not all going around

river dancing and we sure as hell do not sound like that stupid Foxtel ad. We as Irish people have our traditions but we do not impose our opinions or traditions on anyone else and we do not appreciate you making us look stupid.

THE ADVERTISER'S RESPONSE

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

We refer to the Complaint made against Foxtel Management Pty Limited ('Foxtel') which we received from the Advertising Standards Bureau ('ASB').

From the information provided by the ASB, we understand that the Complaint relates to a recent Foxtel radio advertisement promoting live NRL Telstra Premiership games on the Fox Sports channel on the Foxtel service ('Advertisement').

The Advertisement has been broadcast on a number of metro and regional radio stations from 8 February 2016 and is scheduled to continue until 10 April 2016. It also forms part of a broader media campaign promoting sports programming on the Fox Sports channel on Foxtel and which takes Australia's passion for sport as the central theme.

The basis of this Complaint is an alleged breach of section 2.1 of the AANA Advertiser Code of Ethics ('Code 2.1') which provides 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, mental illness or political belief'.

In the AANA Code of Ethics Practice Note ('Practice Note'), the AANA defines 'discrimination' and 'vilification' as:

- Discrimination: to act with 'inequity, bigotry or intolerance' or giving 'unfair, unfavourable or less favourable treatment to one person or a group'.*
- Vilification: to 'humiliate, intimidate, incite hatred towards, contempt for, or ridicule of one person or a group of people'.*

Section 2.1 of the Practice Note also states that, 'Advertisements can suggest stereotypical aspects of an ethnic group [...] with humour provided the overall impression of the advertisements is not a negative impression of people of that ethnicity'.

The focus of the Advertisement is the promotion of live NRL Telstra Premiership games on the Fox Sports channel on the Foxtel service.

The Advertisement opens with a man playing the character of a father, asking his daughter and son what they want to be when they grow up. Both daughter and son reply, 'a riverdancer'. It is then imagined that the children are dancing against the background Irish dancing music, and the father positively encourages them saying, 'show us what you've got then' and 'higher, higher, now you're doing it'.

It is important to point out that the accents of the actors in this segment are not imitations; the actors playing father, daughter and son are all Irish.

An announcer then says, 'In Ireland, riverdancing is a national pastime'. 'Riverdancing' is a reference to 'Riverdance', a stage show featuring a modern style of Irish dance. 'Riverdancing' is synonymous with Irish dancing which is a popular pursuit in Ireland, for which it is recognised globally.

The announcer then follows with,

'In Australia, we'd rather watch our team in every round of the NRL Telstra Premiership live on Fox Sports. We're a Fox Sporting Nation. Join Foxtel today.'

The phrase 'We are a Fox Sporting Nation' reflects the fact that the Fox Sports and Foxtel brands are very closely aligned with Australia's passion for sport; an Australian national pastime.

The Advertisement is clearly light-hearted and Foxtel contends that in no way, whether by language or tone, does the Advertisement create an overall negative impression of, nor vilify or discriminate against, Irish people.

Furthermore, we are of the opinion that the Advertisement does not portray violence, sex, sexuality, nudity, or offensive language, nor does it employ sexual appeal in a way that is exploitative or degrading, or contain material that is contrary to prevailing community standards on health and safety.

Therefore we maintain that the Advertisement does not breach part 2.1 or any other part of Code 2 of the AANA Code of Ethics.

Foxtel takes the Complaint very seriously and did not intend to cause offence to the complainant, their family or any member of the Irish community.

We refer to a second complaint under the case number 0083/16 made against Foxtel Management Pty Limited ('Foxtel') which we received from the Advertising Standards Bureau ('ASB').

The previous complaint under this case number referred specifically to the 'NRL' version of the advertisement. The second complaint does not specify which version of the advertisement, of which there are two (one 'NRL' and the other 'AFL'), they are referring to. For completeness, we provide an updated script in Annexure 1 covering both versions of the radio advertisement and also include a link to the 'AFL' version ('NRL' version already supplied).

We also note that the second complaint refers to 'Fox Sports' as the advertiser. Both versions of the advertisement were produced by Foxtel in conjunction with Fox Sports (which is a separate entity to Foxtel) but it is agreed between Foxtel and Fox Sports that Foxtel is the 'advertiser' for the purpose of these complaints.

We also confirm that the advertisements were broadcast on the channel that the second

complaint refers to: '96FM' in Perth.

Aside from the matters raised above, please refer to our previous response of 23 February 2016 in relation to both complaints.

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 towards Irish people.

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 this radio advertisement features a man with an Irish accent asking his two children what they want to be when they grow up and the children both reply that they want to be Riverdancers.

The Board noted it had previously dismissed a complaint about the way in which a Scottish man was portrayed in an advertisement in case 0002/16 where:

“The Board noted in the current advertisement that by using a translator the suggestion is that the man’s Scottish accent is unlikely to be understood by the average listener and considered that as the man’s Scottish accent is easy to understand the translation adds a humorous tone to the advertisement. The Board noted that the advertisement presents a stereotype of a Scotsman with a strong accent but considered that the overall depiction is not negative: the translator is presented as silly, not the Scotsman, because she is unnecessarily translating.

The Board acknowledged that making fun of a person’s accent is not necessarily acceptable regardless of their nationality but considered that in this instance the advertisement is not making fun of a Scottish accent but rather playing on a common scenario whereby a strong accent, in this case Scottish, can be difficult for some people to understand despite the same language being spoken.”

The Board noted in the current advertisement that the two Irish children want to be Riverdancers and considered that this was a positive representation of people wanting to continue their national heritage. The Board noted that the advertisement does not say that all Irish people Riverdance, or want to Riverdance, and considered that by using a traditional dance associated with another country the advertisement is able to make a quick and clear comparison between that country and Australia.

The Board noted that the advertisement acknowledges that people from different countries have different interests and considered that by depicting Irish people as wanting to actively participate in an activity and comparing them to Australians who would prefer to watch sport the overall impression of Irish people is positive.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of nationality.

The Board 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 Board dismissed the complaint.