



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0093/16</b>
<b>2</b>	<b>Advertiser</b>	<b>FOXTEL Management Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Entertainment</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - On Demand</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/03/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Nationality

## DESCRIPTION OF THE ADVERTISEMENT

There are three versions of this advertisement, the only difference between them being the emphasis on a different sport (V8 Supercars, AFL and NRL) in the sports footage at the end of the Advertisement. Each version features two Russian women seated at a table. One woman gives her friend a gift of a Matryoshka and says it only cost 2800 Rubles, or 50 Australian dollars. The women talk about how it's a doll inside a doll inside a doll. The voiceover then says that in Australia we would rather spend \$50 on Fox Sports.

## THE COMPLAINT

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

*I was offended by the stereo typing of people from other cultures and ridiculing of their cultural pursuits or cultural symbols. I believe that Australia as a multicultural country doesn't need to stereo type other nationalities by the implied inference that our strong interest in sport is superior to the cultural interests of other nationalities*

## 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 advertisement promoting sports programming, including Fox Sports, on the Foxtel service and which featured Russian Matryoshka dolls ('Advertisement').*

*There are three versions of this Advertisement, the only difference between them being the emphasis on a different sport (V8 Supercars, AFL and NRL) in the sports footage at the end of the Advertisement.*

*The Advertisement was 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.*

*The Advertisement has been broadcast on 'On Demand' platforms, such 'Plus 7' which the complainant refers to, from 21 February 2016 and is scheduled to continue until 26 March 2016. It forms part of a broader media campaign promoting sports programming on Foxtel which takes Australia's passion for sport as the central theme.*

*The intended audience of the Advertisement, and of the whole campaign, is adult Australians, irrespective of gender or cultural background.*

*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 sports programming on the Foxtel service. The premise being that given fifty dollars, Australians would spend it on sport, whereas in other countries, with the equivalent amount in their currency, it might be spent on something that is particular to their culture, such as the Matryoshka doll that is featured in this Advertisement.*

*The Advertisement opens on a scene of two women sitting in a kitchen, set in Russia. One woman gives the other a present which she has bought for 'fifty dollars', a Martryoshka doll (culturally unique to Russia). The characters are fictional and in some ways resemble traditional Martryoshka dolls themselves. Real Russian actors were used to provide genuine and believable performances, along with authentic attire and setting.*

*The voice-over then says, 'In Australia, this is how we'd rather spend \$50 every month. We're a Fox Sporting Nation'. Supers also appear with: a disclaimer; the words 'We're a Fox Sporting Nation'; the Fox Sports logo; the words 'Join today'; and the Foxtel logo.*

*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. The sports emphasised by the three advertisements are all uniquely Australian: 'V8 Supercars', 'AFL' and 'NRL'.*

*The distinction being made, as described before, is that Australians would prefer to spend their dollars on something unique to Australian culture, such as sport.*

*The Advertisement is clearly light-hearted and Foxtel contends that the Advertisement does not create an overall negative impression of, nor vilify or discriminate against Russian 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.*

*CAD: The Advertisement was given a CAD rating of 'C- Children'. The 'C' rating allows advertisements to be broadcast at any time on free-to-air channels, except during 'P' - Preschool Programs.*

*Foxtel takes the Complaint very seriously and did not intend to cause offence to the complainant, their family or the Russian community.*

## **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 depicts Russians in a negative manner and suggests they are inferior to Australians which is derogatory and discriminatory.

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 this television advertisement features two women with strong Russian accents talking about a Matryoshka doll one of the women has bought for her friend.

The Board noted it had previously considered similar complaints about the portrayal of another nationality in case 0320/14 where:

“The Board noted the complainant’s concern that the advertisement depicts Australia as superior to Slovakia. The Board noted that one of the slides shown by the presenter shows that internet speed in Slovakia is faster than Australia. The Board noted that the Slovakian man’s response to this claim is, “Who’s Slow-vakia now?!” The Board noted that the focus on the advertisement is the relative internet speeds of Slovakia and Australia and considered that there is no suggestion that one country is better or worse than the other, rather that Slovakia, a small European country, has faster internet speeds than Australia.”

In the current advertisement the Board noted that the voiceover says Australians would rather spend their money on a Fox Sports subscription than a culturally significant item and considered that one interpretation of this is that Australians are lazy as they would rather sit and watch sports. The Board acknowledged that some members of the community could find the advertisement to be insensitive towards Russian culture and its people but considered that overall the content of the advertisement was not strong enough to meet the definition of discrimination and vilification as the material is not unfair or less favourable to Russians and it does not humiliate, intimidate, incite hatred, contempt or ridicule.

The Board noted that Matryoshka dolls are part of Russia’s cultural heritage and considered that their use in the advertisement is to allow the viewer to quickly identify that the two women are Russian. The Board noted that the dolls are not presented in a negative light. A minority of the Board noted that Russian women would be familiar with Matryoshka dolls and considered that the depiction of a Russian woman explaining what the dolls are to another Russian woman does present Russian women in a negative light.

The majority of the Board however considered that although the women repeat the description of dolls (a doll inside a doll inside a doll) in the Board’s view this is intended to be humorous rather than a negative depiction of a person from Russia.

The majority of 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 their 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.

