



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0133/18
2	Advertiser	Trelly's Tackle World
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	11/04/2018
6	DETERMINATION	Upheld - Modified or Discontinued

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Political belief

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement's first line is "it's open season", then follow a photo of a man with his underpants showing, a group of what appears to be ISIS fighters, and the Greens logo. All pictures have a red circle surrounding them with a red line through it, similar to the "No Smoking" symbol. Advertisement continues on to show various products that could be used during duck open season.

## THE COMPLAINT

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

*I object to the insinuation that open season means that the greens, and Muslims are targets for open season. Given this shop sells hunting equipment including guns and ammunition I am very concerned by the message this sends.*

## THE ADVERTISER'S RESPONSE



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

*Please find response to Complaint*

*On a Close look at the Add i beg to find what the Complainant is talking about .*

*Clearly this person is delusional , complaining about my stance not so much the add content .*

*Hence the Confidential request by such said Complainant .*

*Yes the Greens are proven liars and would take any opportunity to discredit anyone who is against their agenda .*

*They would actually go the extent of saving an Animal is preference to a Child if they had to make a choice , but the Add actually refers to Clothing and the choice one would make when hunting .*

*So one would not wear a Yellow and Green garment into a Hunting situation.*

*The other part of the Complaint is VERY CONCERNING*

*Muslim Fighters*

*Where does it suggest these people are Muslim Fighters ?*

*I request an answer .*

*And if the case may be , am i to conclude that the Complainant actually defends Muslim fighters perhaps even ISIS Muslim Fighters . Maybe even Australian ISIS Muslim fighters .*

*I demand you refer the anonymity of this Person to Boarder Force Security as this is of a National Security Concern that there are people supporting and defending ISIS Fighters of Australian Origin .*

*Again my intent was to highlight the Need for Camoflarge Clothing when Hunting .*

## **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 discriminates against ethnicity, religion and political belief.



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 that the Practice Note for Section 2.1 of the Code of Ethics provides the following definitions:

Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

The Panel noted this television advertisement features a man saying "it's open season" followed by a series of photographs depicting a a man with his underpants showing, a group of what appears to be ISIS fighters, and the Greens logo. All pictures have a red circle surrounding them with a red line through it, similar to the "No Smoking" symbol. The advertisement continues on to show various products that could be used during duck open season.

The Panel noted the complainant's concerns that the advertisement suggests that the greens and Muslims are a target for open season.

The Panel noted the advertiser's response that the advertisement refers to hunting and the clothing people should wear hunting.

The Panel first considered whether the advertisement discriminated against people on the basis of ethnicity or religion.

The Panel noted that the advertisement is about what clothing should be worn while hunting. The Panel noted that the first image in the advertisement featured a man with his pants pulled down and his underwear showing. The Panel considered that this is a fashion trend that may not be understood by many in the community however the fashion trend is not one shared by an identifiable section of the community. As this image does not relate to an identifiable person or persons in the community, the image can not be seen to discriminate against or vilify a person or section of the community.

The Panel then noted the second image featured in the advertisement depicted people wearing black clothing, with their faces covered holding guns. The Panel noted the picture is of ISIS fighters in the Iraqi desert and is commonly used in news articles about the terrorist organisation



(<http://www.abc.net.au/radionational/programs/counterpoint/foreign-fighters-3a-nothing-new./6583164>)

The Panel considered that in the context of the advertisement the advertiser was suggesting, that similar to wearing pants so low that your underwear is showing, wearing all black clothing is not correct when hunting.

The Panel considered that the advertisement was making a comment about clothing choices, not about Muslims and considered that the advertisement did not portray material which would discriminate against or vilify a person or group of persons on the basis of ethnicity or religion.

The Panel then considered whether the advertisement discriminated against people on the basis of political belief.

The Panel noted that the third image used in the advertisement was the symbol for the Green's political party.

A minority of the Panel considered that the advertisement was presented in a light-hearted and jovial manner. The minority of the Panel considered that the advertisement was not suggesting that members of the Greens political party, or their supporters, should be hunted. Rather the minority considered that the Greens party were known for supporting conservation and animal protection and considered that the advertisement was making a joke that this group of people would most likely not participate in hunting or actively oppose the activity.

However, the majority of the Panel considered that unlike the first two images, the third image was not related to clothing choices but specifically related to a sector of the community who were associated with a specific political party. The majority of the Panel considered that in the context of 'open season' that the likely impression of the advertisement was that the Greens party members, and members of that political leaning, are a target for hunters.

The majority of the Panel considered that this advertisement was identifying a specific group of the community based on their political beliefs and that the overall impression of the advertisement, through the identifiable political symbol for the Greens with a red circle and a line across it, was to incite hatred and contempt of the Greens political party and its members.

The Panel considered the advertisement did portray material in a way which vilifies a person or group of people on the basis of political belief and did breach Section 2.1 of the Code.



Finding that the advertisement breached Section 2.1 of the Code the Panel upheld the complaint.

**THE ADVERTISER'S RESPONSE TO DETERMINATION**

I have pulled the add from all media.