



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0171/18
2	Advertiser	Coles
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/04/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement features Curtis Stone and includes a number of short clips, including of farmers holding produce, produce being prepared or cooked, and of individuals including children and adults eating produce.

THE COMPLAINT

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

One of the images is of a young man eating a slice of watermelon. This young man has dark skin. I consider this image to relect a well known racist image of a watermelon eating black person. I found it offensive.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

The Advertisement The 30 second commercial (the Advertisement) features Curtis Stone and includes a number of short clips, including of farmers holding produce, produce being prepared or cooked, and of individuals including children and adults eating produce.

Included in the advertisement are images of several children and adults eating or handling a variety of produce items, including passionfruit, tomatoes, bananas, watermelon and apples. Also featured in the advertisement are images of cauliflower, pears, zucchini, herbs, celery, lettuce, capsicum and carrots.

The segment of the commercial referred to by the complainant is of one second duration during the commercial, and involves a child sitting on a chair holding a slice of watermelon from which he has taken a bite. The child makes the comment 'so juicy' as he consumes the bite of watermelon.

Coles does not believe that the advertisement breaches the AANA Code of Ethics, the AANA Food and Beverages Marketing and Communications Code, or the AANA Practice Guide for managing pictures of Children and Young People.

Specifically, Coles does not believe that the image is a racist image in modern Australian society where diversity and inclusion are embraced. Coles has a culture, both internally and externally, that embraces diversity and inclusion. Coles has a dedicated indigenous affairs team and we employ over 3500 indigenous team members which makes Coles one of the largest corporate sector employers of Indigenous Australians.

This advertisement is consistent with our previous advertising campaigns in that the advertisement depicts a broad cross-section of people of diverse ages, sexes and nationalities. Representing vibrant and diverse cultural backgrounds, genders and ages in our advertisements is important to Coles, as it reflects the diverse nature of Australia and our customers.

While Coles directed the agency to cast for diversity, it did not direct the advertising agency to cast any individuals in this advertisement in any particular role. There is no deliberate or intentional link between the fruit chosen and the actor eating it. In this instance the actor the agency had eating the watermelon as opposed to the banana, kiwifruit, tomato or apple was cast to do so at random.

The instruction to the advertising agency was to capture natural "food enjoyment moments" as actors eat seasonal fruit. As watermelon is a summer fruit it has been included in this advertisement. Coles notes that the comments made by the actors while consuming produce were not specifically scripted.



Coles regrets that Mr Davies was offended by this advertisement. Coles received no other complaints about this advertisement and does not believe that the broader Australian public found it offensive.

AANA Code of Ethics

2.1 Discrimination or vilification

Coles does not believe this advertisement discriminates against, or vilifies a person or section of the community on account of race, ethnicity or nationality.

There is nothing in the advertisement to indicate a negative depiction of any of the actors on the basis of their race. The section of the advertisement which is the subject of the complaint is very similar to other parts of the advertisement where children and adults are depicted eating fruit. Coles does not believe this advertisement is discriminatory or in breach of clause 2.1 of the code, nor that it draws any inference about members of the public based on appearance.

2.2 Exploitative and degrading

The advertisement does not depict anything that is exploitative or degrading in relation to any individual or group of people. Coles does not believe that depicting an actor eating a watermelon and commenting “so juicy” is exploitative or degrading in any way.

Coles does not believe this advertisement breaches clause 2.2 of the code.

2.3 Violence

At no time does the Advertisement present or portray violence.

2.4 Sex, sexuality and nudity

All actors are appropriately dressed and are not portraying or communicating a message of a sexual nature.

2.5 Language

The Advertisement uses language appropriate in the circumstances. The Advertisement does not include any strong or obscene language.

2.6 Health and Safety

The Advertisement does not depict material that is contrary to Prevailing Community



Standards on health and safety.

AANA Food and Beverages Marketing Communications Code, or the AANA Practice Guide for managing pictures of Children and Young People Code requirements

Coles also believes the advertisement is compliant with the AANA Food and Beverages Marketing and Communications Code as well as the AANA practice guide for managing images of children and young people as we believe the actor is portrayed in a dignified and respectful manner.

Conclusion

Coles submit that this advertisement is compliant with all relevant Code requirements and the complaint should be dismissed.

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 concern that the advertisement is racist.

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 this television advertisement features a scene with a young dark skinned boy eating a slice of watermelon.

The Panel noted the complainant’s concern that the advertisement reflects a well-known racist image of a watermelon eating black person.

The Panel noted the advertiser’s response that they did direct the creative agency to cast for diversity, but that there is no intentional link between the fruit chosen and the actor eating it.

The Panel considered that the watermelon stereotype referred to in the complaint would not be well-known by the broader Australian community, as the history and connotations are an aspect of the African-American segregation era and not



Australian history.

The Panel noted the advertiser's response that the image is not racist in modern Australian society where diversity and inclusion are embraced.

The Panel considered that the image used in the advertisement was coincidental, and there is no theme or language around that scene, or in the advertisement, that implies racism towards the African-American community.

The Panel considered the advertisement did not portray material in a way which discriminates against or vilifies a person on the basis of race and did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

