



Case Report

1	Case Number	0175/10
2	Advertiser	National Australia Bank Ltd
3	Product	Finance/Investment
4	Type of Advertisement / media	TV
5	Date of Determination	12/05/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

This TV advertisement depicts children wearing American Indian outfits playing in a garden. A boy is seen crying when a blonde girls runs off with his quiver of arrows with voiceover: "give and take doesn't necessarily come naturally" and "for banking it's no different" with NAB making changes such as abolishing fees, improving service and sense of fairness. "More give, less take".

THE COMPLAINT

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

There is an almost direct reference to the very racist term "Indian Giver". Just because you use cute kids in a commercial and just because the tragedy that happened to the American Indians did not happen in Australia it is still completely inappropriate to refer to a stereotypical view of a race of people. Surely in the making of a commercial there are several steps to the process and someone should have raised the alarms bells before this went to air it's completely offensive.

It is racist. In America it would never have been screened.

THE ADVERTISER'S RESPONSE

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

I am naturally disappointed to hear that a recent NAB advertisement has caused consumer offence but I don't believe the concerns that have been raised are valid. We take the AANA Advertiser Code of Ethics very seriously and would never air an ad which we believed contravened them.

The advertisement in question is the launch commercial for a new NAB brand campaign, and is based on the new NAB positioning of 'more give, less take'. It was written to demonstrate that NAB is changing the traditional relationship between a bank and its customers and is designed to draw an analogy between the learning processes that children undergo as they grow up with the learning processes that NAB has undergone recently as a bank.

The ad features three children, two girls and a boy, playing in a garden. As the children play we see that the young boy has a quiver of arrows which is taken off him by one of the girls. We see the boy start to cry and the reaction that this generates in the girl. She realises the error of her ways, learns what she has done is wrong, and gives the quiver back to the boy. The children are friends once more and run off to continue playing.

As the action above unfolds we hear a voice read "At NAB we've been taking our business through, let's say a learning curve. You may have already noticed changes. Fees abolished. Service improved. A sense of fairness." The girl gives the quiver back to the boy and the voice continues "It's how we think banking should be" before a super appears which reads "More give, less take".

The consumer complaints infer that because the children are wearing American Indian head dress and/or feathers in their hair the ad is in some way racist and/or plays on racial stereotypes. As detailed above I wholeheartedly refute that.

The children are indeed wearing American Indian paraphernalia, the kind which you might find in children's dressing up boxes all over Australia. They are props designed to make the ad a relatable depiction of children at play, not a more sinister attempt to make a cultural reference to American Indians or to use American Indian stereotypes to deliver a message. The props are incidental to the message.

During filming of the TVC, the kids were given a vast array of materials to construct outfits for playing with or dressing up in. The boy's quiver formed part of the original script, however all other props were designed by the kids themselves. They were not created to fit a racial stereotype, rather selected by kids because they seemed fun to play with and were items that they felt comfortable running around in.

It is worth stating that as well as gaining CAD approval (CAD Number GSIWTFIA) we underwent several rounds of consumer research prior to running this commercial on air. Of the hundreds of people who saw this ad prior to airing, not one person took out a racial undertone.

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 concern that the advertisement racially vilified American Indians.

The Board viewed the advertisement and noted the advertiser's response. 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 used children and other visuals to depict children 'dressing up' to have fun and play. The Board also noted the complainant's reference to the phrase 'Indian Giver' which denotes a person who gives a gift and then asks for it back. The Board considered that the advertisement depicts children playing with toys and depicts one child taking a toy from a little boy and then giving it back to the boy as he is absent. The Board considered that the concept is of sharing and no reference to or suggestion of being an 'Indian giver'.

The Board considered that, while the complainant was offended by this advertisement, most people in the community would appreciate that the advertisement did not discriminate or vilify American Indians or any other identifiable section of the community. The Board determined that the advertisement did not breach section 2.1 of the Code on the basis of race.

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