



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
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Case Report

1	Case Number	0184/19
2	Advertiser	ALDI Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/06/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Religion
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a voice over describing how a woman, Sarah, had sworn off Alid produce and that they were trying to win her business back. The advertisement shows how they replace all the produce in a restaurant's kitchen with Aldi produce when Sarah is out for a girls lunch. The voice over also states they are trying to win her business back in not-so-subtle ways and Sarah is shown driving past a billboard with Sarah's face and the words 'Give us another go, Sarah'. Sarah reacts to the billboard by laughing and stating 'oh Jesus Christ' her words are partially beeped out.

THE COMPLAINT

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

Using religion as a curse. Lord Jesus or any other religion should be respected. I fill sick when I see and hear the add.



My objection in this ad is at the very end when the customer sees a billboard asking her to return to Aldi, when the customer sees the board, she is surprised and says "Jesus Christ". I do not think this language is appropriate, I am not a religious person but find this language is offensive and quite unnecessary. I believe this language on an advertisement on free to air tv is crossing the line. Thank you

It is offensive that Sarah uses the words 'Jesus Christ' when she drives past the billboard. Even with the end of the words bleeped out it is very obvious what she is saying. It is extremely upsetting to Christians. There are other things she could have said.

I am offended by this advertisement as it takes the Lord's Name in vain. Regardless of your opinion, blasphemy is a serious offence in God's eyes. I am offended that Sarah would use His Name in this manner and also that Aldi left it in as part of the advertisement. I notice that Aldi do not use Mohamed's or Shiva's names offensively in their ads and should they do so there would be an outcry.

I would like to see this advertisement removed from air and an apology offered by Aldi for their lack of judgement in allowing this to be aired in the first place.

Late in ad, Sarah in a car travelling and swears, is slightly stunned at the billboard, a theme of the story line of series of ads. In this specific advert. The blasphemy, to use that term, but swearing by Jesus Christ name taken in vain is offensive and objectionable to significant part of population.

THE ADVERTISER'S RESPONSE

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

The complaint

The advertisement that is complained of is a 30 Second TVC that was broadcast in TV and Online video in NSW,ACT,VIC,QLD, SA and WA from Thursday 13th June to Saturday 22nd of June.

The complaint that we are responding to states that the advertisement breaches sections 2.1 and 2.5 of the AANA Advertiser Code of Ethics (the Code) for reasons which include the following:

*Her [Sarah's] expletive was blasphemous. The term she used was J****C*****! The second word was muffled out. I am offended by this advertisement as it take's the Lord's Name in vain. Regardless of your opinion, Blasphemy is a serious offence in God's eyes.*

....swearing by Jesus Christ name taken in vain is offensive and objectionable to a



significant part of the population.

ALDI response to the complaint

For the reasons set out below, ALDI submits that there is nothing about the advertisement that breaches the AANA Advertiser Code of Ethics (the Code).

The relevant provisions

Section 2.1 of the Code provides that “Advertising or Marketing Communication 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”. The AANA Code of Ethics Practice Note makes clear that for the purposes of the Code, discrimination means “unfair or less favourable treatment”, and vilification means “humiliates, intimidates, incites hatred, contempt or ridicule”.

Section 2.5 of the Code provides that “Advertising or Marketing Communication shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”. The Practice Note states that “Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner).

The Advertising Standards Board (the Board) has previously considered whether the use of the word Jesus in a similar context - ie as a way of registering surprise - breached either section 2.1 or 2.5 of the Code. The reasons that the Board gave for finding that there was no breach in the case before it (NPS Medicinewise – 0036/16) included the following:

The Board acknowledged that some members of the community with very strong Christian beliefs could find the use of the Lord’s name to be offensive to their faith but considered that most members of the community, including Christians, would find that using the phrases, ‘Thank God’ and ‘Jesus’ as expressions of relief and disbelief is not aggressive and is not attacking or discrediting the Christian faith. 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 religion. The Board determined that the advertisement did not breach Section 2.1 of the Code.

...

The Board acknowledged that some members of the community with strong Christian beliefs could find the use of the words, “God” and “Jesus” to be offensive but in the Board’s view most members of the community would find that these words are not



strong or obscene and their use in the advertisement was consistent with an expression of relief or mild dismay and was not inappropriate in the circumstances. The Board determined that the advertisement did not breach Section 2.5 of the Code.

Compliance with the Code

ALDI respectfully submits that the Board's reasoning set out above applies to the complaint that we are responding to, and that this reasoning should lead the Board to conclude that there has been no breach of section 2.1 or 2.5 of the Code in this case.

There is nothing in the advertisement that discriminates against, or vilifies, Christians. Nor does the advertisement use "strong or obscene" language. The actual words are bleeped out. While attentive viewers will comprehend what Sarah has said in the bleeped words, they cannot actually hear them. This makes the potential for offence well reduced from the advertisement considered by the Board in the Medicinewise case discussed above. It is clear from the light-hearted and humorous context that the words were not being spoken in a derogatory or insulting way. The expression that is complained of in this case is one which is in widespread and common use in the Australian vernacular.

For the sake of completeness we have also considered other parts of Section 2 of the Code, as well as the AANA Code for Advertising and Marketing Communications to Children, and consider that the advertisement also complies fully with these provisions.

We respectfully request that the complaint be dismissed.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement was blasphemous towards the Christian religion and contained inappropriate language.

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 the Practice Note to Section 2.1 provides the following definitions:

“Discrimination – unfair or less favourable treatment.

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

The Panel noted that this television advertisement depicts a woman driving past a billboard with her face on it and exclaiming “Jesus Christ”. The Panel noted that this phrase is partially bleeped out.

The Panel noted the complainants’ concerns that the advertisement was blasphemous and therefore disrespectful to Christian religion.

The Panel noted that it had previously considered the issue of blasphemy in advertising on several occasions, including in case 0036/16 in which the phrases “Thank God” and “Jesus” are used. In this case:

“The Board acknowledged that some members of the community with very strong Christian beliefs could find the use of the Lord’s name to be offensive to their faith but considered that most members of the community, including Christians, would find that using the phrases, ‘Thank God’ and ‘Jesus’ as expressions of relief and disbelief is not aggressive and is not attacking or discrediting the Christian faith”.

The Panel acknowledged that the phrase ‘Jesus Christ’ in the advertisement is more specific to Christianity than the more general phrase ‘Oh My God’, however considered that its use in this manner is consistent with the use of the phrase in common Australian vernacular.

The Panel considered that the use of the word ‘Jesus Christ’ in this context was clearly used in surprise and that it was not being used in a way which was targeted towards people of Christian faith.

The Panel considered that the use of language with religious references in itself was not something which depicts or suggests that Christians receive unfair or less favourable treatment, or which would humiliates, intimidates, incites hatred, contempt or ridicule of anyone on the basis of religion.

The Panel determined that the advertisement did not discriminate against or vilify any person or section of the community on account of their religion and did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for



the relevant audience and medium). Strong or obscene language shall be avoided”.

The Panel noted the complainant’s concern that the language in the advertisement was inappropriate.

The Panel noted the advertiser’s response that it is clear from the light-hearted and humorous context that the words were not being spoken in a derogatory or insulting way.

The Panel noted that they had previously dismissed complaints about a number of advertisements which featured the phrases ‘Oh My God’ and ‘Goddam’ (0396/14, 0506/15 and 0513/18) and in these cases the Panel considered the phrases were used in a manner consistent with colloquial usage and were not likely to cause offence to the community in general.

Similarly, in the current advertisement the Panel considered that the name ‘Jesus Christ’ used in a colloquial manner was consistent with Australian vernacular and did not constitute language which was inappropriate in the circumstances or obscene.

In the Panel’s view the advertisement did not contain language which is inappropriate in the circumstances and did not include strong or obscene language, and therefore did not breach Section 2.5 of the Code.

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

