



Case Report

1	Case Number	0194/11
2	Advertiser	Dilmah
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	22/06/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

We see tea being harvested by women, a single leaf being picked and a basket of harvested tea being poured. We then cut to the founder of Dilmah and his two sons, then we cut to the pack with the slogan - Return to real tea.

THE COMPLAINT

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

I find these ads extremely sexist and irritating and not good for our younger generation. Only females are seen picking and loading bales of tea. The males stand idly by looking superior whilst sipping tea. They even stand on steps above the women who have picked the tea. The obvious message is of superior males being attended by subservient females. The later ad including women participating in the tea drinking appears to be tokenism to me. I am surprised these ads passed Australian standards due to their obvious sexist message. I now avoid buying Dilmah tea due to these ads.

THE ADVERTISER'S RESPONSE

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

Thank you for the opportunity to respond to the complaint regarding Dilmah television advertising.

We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics (“the Code”). We note that the nature of the complaint relates generally to “discrimination” and “vilification” specifically to the concern that the advertisement in question contains material which is discriminatory towards women.

We were particularly disappointed to read that our message had been misinterpreted by the complainant in this manner because the founder of Dilmah has set up and invested heavily in a foundation with a specific objective to support and empower women in the Sri Lankan society in general and tea employees in particular.

We have carefully considered the Code, and have assessed the provisions against the content of our advertisement. We find that the advertisement does not breach the Code on any of the grounds set out in the same.

Looking at the Code, Provision 2.1 provides that advertisements 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”.

We note that the advertisement in question depicts a typical scenario of a Dilmah tea plantation. It is certainly true that wherever tea is grown, much of the tea harvesting is done by women. However, Dilmah prides itself on providing excellent facilities for its female employees.

Dilmah has a great amount of respect for its female employees. We note that at no point in the advertisement are any of the female tea harvesters featured in the ad depicted as being mistreated or unhappy in any way. Conversely, the environment is shown to be a happy, productive and positive one.

Additionally, we note the complainant’s concern regarding the depiction of male co-workers being placed “above” the female harvesters. The reason for this was to simply elevate the spokesmen in order to draw attention to them. Their depiction along with the female workers in the same shot was intended to show that the Dilmah workers were a hard working team, rather than a male-dominated workforce.

In summary, in our view, there is nothing in the advertisement which constitutes a portrayal which discriminates against or vilifies women. The scenes in question are handled with respect and are depicted in a tasteful and sensitive manner. Obviously the intention was not to condone or encourage discrimination or vilification of women in any sense. In our view, a reasonable person would not view the advertisement as discriminating against or vilifying women.

For the above reasons we submit that the advertisement is not in breach of the Code.

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 is discriminatory in its depiction of women picking tea leaves whilst their male bosses look on.

The Board viewed the advertisement and noted the advertiser's response.

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement features women picking tea leaves whilst the owner of Dilmah talks about why his tea is so good, finishing with the owner surrounded by family and workers drinking Dilmah tea. The Board noted it had previously dismissed a similar complaint in 2005 (0317/05).

The Board noted the advertiser's response that the advertisement depicts a typical scene at a Dilmah tea plantation and that tea harvesting is usually carried out by female employees.

The Board considered that the women in the advertisement were represented in an accurate depiction of tea pickers in that part of the world and that no reference was made to the women being inferior to men.

The Board considered that the images of the women were not discriminatory towards women or towards men.

Based on the above the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. 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.