



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0196/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Cam River Signs</b>
<b>3</b>	<b>Product</b>	<b>Religion/Beliefs</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Billboard</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/06/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Lifestyle Choices
- 2.1 - Discrimination or Vilification Sexual preference

### DESCRIPTION OF THE ADVERTISEMENT

Large billboard with an image of gender symbols and wedding bands. The text underneath reads "Designed by God"

### THE COMPLAINT

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

*Firstly, it is false advertising. It is not supported by all Wynyard and Somerset churches. It has caused community outrage as it is discriminative, pinpointing the view that same sex couples should not marry. The outdoor billboard is large and makes the town of Wynyard look discriminative to the gay community. It is turning tourists away from the town and is diminishing the owners of the shop of which the billboard is attached to. It is atrocious and should be taken down.*

*It is my understanding that this advertisement is already being considered for violation of section 2.1 in the ethics guidelines. My concern is in relation to Sections 1.2 and 1.3 of the ethics guidelines. The billboard clearly implies that all of the churches in the towns of Somerset and Wynyard sponsored this. However, multiple churches including the Catholic archdiocese of Hobart have made statements clarifying that they were not even consulted and certainly have not sponsored this advertisement. In fact, not a single church has been identified as a sponsor and the sign's creator has been unable to name any. The sign's*

*creator, known locally for his religious extremism and not affiliated with any church, appears to be the sole party responsible for it, making the ad's claim of church sponsorship entirely false. It is misleading the public and has negatively impacted numerous churches, some of which have had to devote significant time and resources to dealing with the fallout of being implicated by the false and misleading claim.*

*I am offended by the advertisement as it sends a message to our children that same sex marriage is not okay but also because it has an underlying message that homosexuality is not okay either. My husband and I have two young children and we do our best to teach them about diversity and difference in the world and accepting this. The advertisement reeks of hatred and ignorance rather than love, compassion, understanding and acceptance. It suggests to our children, and others in the community for that matter, that it is okay to bully and push your own beliefs in an inappropriate manner. It also hides the real malice behind the message by trying to suggest it is something that God would want by saying it is supported by the churches. I am a Christian. I believe in God. I believe in many things. I don't think that God would like to see this or endorse it but that is another story. And, I do question whether this advertisement does have the support of the churches. Is this false advertising if this is the case? I have a problem with advertising that states quite bluntly it is endorsed by churches in the area when I really see no evidence of this support. Even with evidence of support, is this actually within the advertising standards? If it is, we are opening the doors for some very terrible things to be plastered on billboards that encourage ignorance and anger and intolerance and unacceptance of diversity. I hope our children do not learn that this is an okay way to express a view.*

*It's promoting a position that I find discriminatory, despite what the current federal legislation is on this matter. It's insensitive to gay and lesbian people as well as those that support their right to do whatever they want.*

*It's a passive hostile act by a religious group to promote their own thoughts on gay marriage. I don't think it represents the views of the majority of people in the community and kids will see this and perhaps ask questions and then begin to think that this type of discriminatory behaviour is acceptable.*

*I believe this sign violates section 2.1 of the AANA Code of ethics as it depicts material that discriminates against and/or vilifies people's sexual preference.*

*I also believe this sign violates section 1.2 of the code as it states the sign has been sponsored by the churches of Wynyard and Somerset. I do not believe that all the churches of these two areas have been consulted and I do not believe they have given permission to be included in this advertisement. The Advocate newspaper even has a statement from the Wynyard Catholic church stating they did not support this sign in any way.*

*I'm fine for people having their own opinion, but this is discriminatory and shows the hateful opinions of a small minority.*

*If the sign were up outside the churches that have apparently paid for it to be put up, then I would not be complaining right now. If outside the churches the view would be clearly one of theirs and only theirs. Instead this sign (promoting anti-gay marriage and therefore discrimination towards the gay community) has been signed at the entrance of a small town, one that prides itself as being open to tourists (The tulip festival each year pulls people in*

*from all over the nation). This will be the first sign anyone sees when entering the main street of Wynyard, and is representing instead of a small minorities view, to be that of one the entire Wynyard community support too??*

*I used to work in Wynyard, I had done for 3 years, and I know already that many business owners are behind me in asking for its removal!*

*This is going to have serious impacts on the businesses and the reputation of Wynyard!*

*I personally do not want to set foot in Wynyard until it is removed. I do not want people to think this is okay because it isn't. Are we trying to tell the next generation that discriminatory behaviour is acceptable??*

*Absolutely disgusted that this sign has been put up. Please remove it! Not just for the gay community who have had enough discrimination against them, but for the community of a small town that DOES NOT want to be associated with homophobic behaviour being promoted!*

*I find this offensive to the gay community and promotes discrimination.*

*The advertisement blatantly promotes anti-gay marriage attitudes that I do not believe in. I am not a homosexual person, and I believe everyone is entitled to their own opinions on such matters, but advertising them and more or less 'shoving them down people's throats' is not right. Morals of individuals or groups cannot, and should not be enforced on the general public through advertising. Needless to say I am a strong supporter of gay marriage, but I also recognise that a lot of people do not agree with me. That's fine for them, but advertising such opinions in public forums is both unnecessary and offensive to those, like me, with differing opinions.*

*I object and am offended as it is discrimination to same sex couples. Also I think that it is very unfair that the people responsible have not put the name of the specific churches involved. It leads people to believe that all churches in the area are involved when they are not. I believe the archdiocese of Tasmania have released a statement saying they are not involved with this sign. Also the owner of the shop the sign is posted on is losing business.*

*It is discriminatory in nature, implying gay people - or their unions - are not 'natural'. It's highly offensive.*

*The local Council say it's not within their control and have advised a complaint to your organisation.*

*I was offended as the churches or whoever has put this up are singling out a group of people and I won't be upset for my child to see this sign.*

*Its disgusting and discriminatory and also embarrassing to think that we have such low minded people living in our Community.*

*I believe in equality & choice & freedom. I believe it does NOT represent the views of Wynyard. I believe it has NOT been sponsored by any church in Wynyard/Somerset & is purely a person advertising their own beliefs in a way similar to graffiti.*

*This sign has been erected on the wall of a business without the business owner's knowledge and certainly without their consent. As a result, the business (a takeaway shop) has been targeted by those who have been offended by what the sign implies. By targeted, I mean that*

*people have entered the business to voice their objections to the sign, and others who have stated on social media that they will now boycott the business.*

*The statement of being representative of churches in the sign is misleading as it does not specify which churches support his stance, which then implicates that they all do. This is definitely not the case as the aforementioned business owner is heavily involved in a church in Wynyard which does not support this statement.*

*My main concern about this sign is that it is inciting an opinion to the detriment of others. It is blatantly obvious that it is an anti same-sex marriage advertisement, and the man responsible for the sign has said so himself. This has the potential for inciting discrimination, and it also has the potential to cause psychological harm to those who belong to a minority group. I am particularly worried about adolescents in Wynyard who identify or have yet to identify as being gay.*

*I believe this sign was erected to incite vilification of a minority group and I would urge that it is mandated to be removed. It has also been indicated that the man responsible intends to advertise this message further in unspecified numerous locations.*

*This sign is at the entrance of our town portraying all the residences as having the same belief that if you are wanting to be in a same sex marriage you are not designed by God.*

*This is a sign discriminating against and targeting the people of a gay orientation within the community.*

*It actively promotes anti-equality, bigotry and discrimination.*

## **THE ADVERTISER'S RESPONSE**

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

*This letter is in response to a few complaints from persons in Wynyard Tasmania with an alternative viewpoint. I have been involved in the Outdoor Advertising industry for 36 years. In that time period, I have never had any complaints about the content of one of our billboards.*

*Images, newspaper cuttings, letters etc of the billboard are attached to this case.*

*In my opinion, it is in no way offensive to the general public. It makes a simple statement of the law within the Commonwealth of Australia. Every Australian individual has a common right to their own opinion, but no Australian citizens have the right to invoke malicious damage on another person's property. This is not acceptable under Australian law under any circumstances.*

*I also wrote a letter to the Editor of the Advocate Newspaper, which was also sent to the Editor of The Examiner. It expresses my opinion that the underlying culprits in the incitement of criminal damage to our property was indeed the Advocate Newspaper with their grossly immoral stance in attempting to sensationalise a very mundane story. Probably an effort to increase their meagre distribution level in the North West of Tasmania?*

*My letter, in closing states "Please be more tolerant in the future of majority opinion".*

*have nothing further to add except as Shakespeare wrote in the 1600's- "Much ado about Nothing".*

## **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 implication of being anti same-sex marriages and could potentially incite hatred toward people who are in same sex relationships.

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

The Board 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 Board noted that the advertisement features an image of the male and female gender symbols in an equation equalling wedding bands. The text underneath the image reads "Designed by God."

The Board noted that the advertisement has been placed on the wall of a building in a prominent position that would likely be viewed by a broad audience including children. The Board noted that the advertisement did not use any inappropriate language or images and that the design of the advertisement did not contain imagery that was could be considered offensive.

The Board noted that the advertisement is clearly suggesting that the institution of marriage is designed to be between a man and a woman. The Board agreed that some people in the community would likely take offense to the implication that people involved in same sex relationships do not have an equal position in the community.

The Board noted the complainants concerns that the advertisement could encourage anti-gay marriage attitudes and inappropriate behaviour toward people within the community who are in same-sex relationships. The Board considered however that the imagery and wording in the advertisement are the expression of an opinion and that it is open to interpretation regarding whether it is a positive or negative message that marriage is designed by God to be between a man and a woman and that the message does not of itself amount to discrimination against any person or section of the community.

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 complaints.