



## Case Report

1	Case Number	0214/13
2	Advertiser	Oporto Franchising Pty Ltd
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	10/07/2013
6	DETERMINATION	Dismissed

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Nationality
- 2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

A pilot with a parachute attached to him is shown sitting in an Oporto restaurant holding a Long Roll. In the background we see a fighter jet crash to the ground. The voiceover says, "People go a long way for the new Oporto Long Roll".

### THE COMPLAINT

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

*The object that really offends me is the close up of a North Korean style flag. If this ad did not show this close up - then I would be less inclined to make this complaint. It is this close up of the flag that really annoys me - the ad has gone out of its way to purposely make a stereotype of one country. It sets a poor precedent.*

*It also solidify's the view that anything to do with North Korea is related to war.*

*Somehow I don't think people from the region (North or South Korea) would see the humorous side of this commercial*

*Talk about a stereotype gone wild! Can you imagine the uproar if a middle eastern person was shown in this ad - or if an Israeli flag was shown as a close up? Why should this ad be any different?*

*As I said - if they got rid of the flag close up (or just made the flag as one generic colour) - then I wouldn't be making this complaint. I just cant believe that this commercial has gotten*

*away with the mock up flag close up.*

*Racist and racial stereotyping...Koreans and the current short-range missile threat.*

## **THE ADVERTISER'S RESPONSE**

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

*The television commercial in question is based on the proposition of 'people will go a long way for Oporto's new long rolls' and was campaigned with a 15-sec television commercial (the said commercial is the basis of this complaint) as well as a 30-sec radio spots that had other characters that had done something 'extreme' to get their hands on the product. In the television commercial in question this situation was that of a fighter pilot that basically defects, ejects and gets to Oporto to get their long roll. The creative is designed to cut through and deliver some light humour, the fighter pilot is obviously of Asian descent, but contrary to the complaint doesn't depict a North Korean flag – the flag is just a random mock up.*

*In relation to the complaint lodged under '2.1 of the AANA Code of Ethics', it is the opinion of the advertiser, Oporto Franchising Pty Ltd, that this piece of advertising cannot be construed as either racist or stereotyping, discriminating or vilifying a section of the community on the basis of race, ethnicity, nationality or political belief.*

*The television commercial in question will finish on Saturday 29th June and there are no plans to re-air this commercial in the future.*

## **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 complainants' concerns that the advertisement is offensive and racist in its stereotyping of North Korea.

The Board viewed the advertisement and noted 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 the complainant's concern that the flag on the pilot's uniform is the North Korea flag and that the advertiser had responded to say that the flag was a random mock up and not the North Korea flag. The Board noted that at first glance the mock up flag could be mistaken for the flag of North Korea. The Board considered that the advertiser's statement is disingenuous as the flag on the pilot's uniform features a similar colour scheme and five pointed star similar to that of the North Korean flag.

The Board noted the complainants' concerns that the advertisement suggests North Korea is always linked to war and that this is a negative stereotype. The Board did not agree with this

interpretation and considered that the most likely interpretation of the advertisement is that whilst the pilot is clearly of Asian descent, he is representing a military pilot ejecting from his plane, rather than representing a specific nation, demonstrating the length that a person would go to enjoy the advertised product.

Based on the above the Board determined that, in this instance, that 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 complaints.