



Case Report

1	Case Number	0215/16
2	Advertiser	South Australian Tourism Commission
3	Product	Tourist Attractions
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/05/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement features visuals of sites in Adelaide. The advertisement features Australian singer Emma Louise who sings through the advertisement. In the final scene, she is depicted performing to an audience in what is akin to a performance at a music festival, and this is spliced with quick, short edits of various images. The characters in the advertisement are seen wearing a range of costumes, one character is depicted wearing a Native American war bonnet style headdress.

THE COMPLAINT

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

According to SATC's campaigns plan and outline, the advertisement is "...designed to increase positive perceptions of Adelaide, with food and wine and arts/festivals as a key strength." At various stages throughout the advertisement it depicts people dancing around a bonfire wearing Native American war bonnets. These garments are culturally significant, and the advertisement appropriates them in a vain attempt to add mystique. This may constitute a breach of the AANA Code of Ethics Section 2.1.

The war bonnet is neither Australian nor mysterious, and instead of adding appeal, makes the advertisement appear tacky and insensitive to international peoples. War bonnets are, in matter of fact, equivalent to medals of honor given to soldiers, and still used as that today

(see Crow man, Marine Cpl. Ivan Wilson receiving a war bonnet for his service in the Middle East).

I find the use of the war bonnet in an this add to be objectionable, offensive and racist. Native Americans have it hard enough dealing with appropriation in their own country, we should not be adding to it.

THE ADVERTISER'S RESPONSE

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

The advertisement is a surreal, music video-style advertisement launched to promote the city of Adelaide and features evocative visuals of the famous sites, historic Port Adelaide warehouses as well as iconic elements of the city including Adelaide Oval, the Art Gallery, Rundle Street lantern, and Adelaide's laneways. The advertisement features Australian singer Emma Louise who sings through the entire length of the advertisement. In the final scene, she is depicted performing to an audience in what is akin to a performance at a music festival, and this is spliced with quick, short edits of various evocative images. The wardrobe worn by the characters in the advertisement, including Emma Louise, is symbolic of the fashion at music festivals, in particular WOMADelaide, an annual world music and dance festival held in Adelaide which showcases various kinds of music, arts and dance, and which encourages people to experience the music of cultures other than their own as a way of developing global understanding. One character in the edits is depicted wearing a Native American war bonnet style headdress. However, the imagery is only by way of silhouette and shape outline.

We do not consider that the advertisement breaches the AANA Code of Ethics (Code). We also do not consider that the AANA Code for Advertising and Marketing Communications to Children applies as the advertisement is not directed at and does not have primary appeal to children. Furthermore, our client's products and services are not covered by the AANA Food and Beverages Advertising and Marketing Code.

The main issue under the Code relevant to the complaint relates to the portrayal of people or 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, which is covered by section 2.1. We have limited our response to the discrimination or vilification of race under this section, as the circumstances do not raise issues under the other categories of 2.1 or sections 2.2 - 2.6 of the Code, and there are also no breaches of the aforementioned sections.

We have taken guidance from the AANA Code of Ethics Practice Notice and point out that the advertisement is not intended to racially discriminate Native American culture, but is intended to form part of a larger metaphor to encapsulate the arts and music scene of Adelaide, which is particularly known for its music festivals which, in particular the WOMADelaide festival, aim to embrace and celebrate cultures from all across the globe. We note that the depiction of the silhouette of a woman dancing in front of a fire whilst wearing a Native American war bonnet style headdress is intended to depict the ethereal emotion of freedom which people experience at music festivals, and familiarise audiences with different

sorts of music, arts and dance festivals, and diverse cultures, available in Adelaide, in particular 'WOMADelaide'. WOMADelaide is in fact part of the WOMAD ('World of Music, Arts and Dance') international arts festival. The central aim of WOMAD is to celebrate the world's many forms of music, arts and dance, and aims to excite, to create, to inform and to highlight awareness of the worth and potential of a multicultural society.

We note that the Practice Note states that the term 'discrimination' is defined as unfair or less favourable treatment. 'Vilification' is defined as behaviour which humiliates, intimidates, incites hatred, contempt or ridicule. We note that these are strong words, and in no way was the advertisement intended to discriminate, mock or vilify Native American people through the depiction of a silhouette of a woman wearing a Native American war bonnet style headdress. The scenes the subject of the complaint are relatively short, and tie in with the other imagery used to depict the metaphor behind the campaign. The imagery shows not only what Adelaide has to offer, but is intended to create an emotive reaction of anticipation, exhilaration and excitement within the audience through the use of quick, short edits of intimate imagery in connection with a layered and energetic soundtrack performed by home grown talent. In no way was the silhouette imagery of a woman wearing the war bonnet style headdress intended to create a negative impression of Native American people, but rather to convey a sense of freedom, indulgence, unhurriedness and excitement that one feels when attending a music festival, imploring the audience to connect with and indulge their senses in the city of Adelaide and its' multicultural arts scene.

The advertisement was also intended to embrace and celebrate the eccentricity of Adelainians through the use of a number of different fashions which are depicted in the advertisement, and not to mock the dress of any race, nationality, ethnicity or culture. The key philosophy of the WOMAD festival is to inform and to highlight awareness of the worth and potential of a multicultural society to festivalgoers, and any vilification or discrimination of race is against the festival's core message. The advertisement is designed to appeal to an audience member who would attend the WOMAD festival and who would be offended by the depiction of any discriminatory or racially vilifying material, and therefore there was no intention to mock or cause offence by including the imagery featuring a silhouette of a Native American war bonnet.

As indicated several times above, the imagery is only a silhouette, and does not identify the headdress of any particular Native American tribe through the design, colour and placement of feathers and other embellishments.

We refer the Board to its previous determinations in Case 477/08 in which a woman was depicted wearing Native American dress. The Board considered that, while some people may be offended by this depiction, the advertisement did not discriminate against or vilify Native Americans or any other section of the community. In Case 494/08, the Board considered that the depiction of Native Americans in the advertisement was in bad taste and noted that an advertisers' easy recourse to cultural stereotypes may be offensive to some members of the community. Notwithstanding, the Board found that the advertisement did not meet the serious level of being discriminatory against, or vilifying of, Native Americans.

In respect of the advertisement, we note that there was no intention for the depiction of the woman wearing the Native American war bonnet style headdress to be in bad taste or to be culturally insensitive. It is also certainly not at the level to amount to discrimination or vilification of the Native American race. We appreciate that an audience member may, for

subjective reasons, take offence to the depiction of a silhouette of a war bonnet, but submit that the advertisement does not meet the very serious level of being discriminatory against, or vilifying of, Native American people.

Based on the above, we respectfully submit that the advertisement complies with the AANA Code of Ethics. We also consider that the advertisement falls within acceptable community standards and note that whilst only one complaint has been received to date, generally the response to this advertisement has been positive and that much support has been received for the campaign from the community.

The South Australian Tourism Commission regrets if any members of the public were offended by the advertisement and would like to take this opportunity to assure the Bureau and the public that this was never its intention.

We appreciate the opportunity to respond to the complaint and acknowledge the advertiser's commitment to self-regulation of advertising in Australia. We sincerely hope that the Board reviews the advertisement positively having regard to the points raised above.

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 depicts people wearing Native American war bonnets which are culturally significant and the use in the advertisement is insensitive and racist.

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 concerns that the advertisement racially vilifies Native Americans.

The Board noted the advertisement shows numerous abstract images including an astronaut, food, a woman dancing with doves, a woman singing, views over a valley, and a silhouette with a head dress.

The Board noted the advertiser's response that the advertisement includes fashion that is symbolic of fashion at music festivals including the WOMADelaide annual music and dance festival. In the case of the war bonnet, they add that the depiction was to tie in with the other imagery used to depict the metaphor behind the campaign, being to explore the music of cultures other than their own.

The Board acknowledged that the use of a headdress image is a sensitive issue. However, in this case the Board did not consider there was a negative impression created by the imagery used in the advertisement which was artistically designed to present a fleeting series of shots and in the case of the headdress, was a very fleeting image of an abstracted silhouette.

The Board considered that, while some people may be offended by the depiction of the head dress, there is nothing that could amount to discrimination (unfair or less favourable treatment) or vilification (humiliate, intimidate, inspire hatred, contempt or ridicule), given the nature of the advertisement.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies Native Americans or any other identifiable 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 complaint.