



## Case Report

1	Case Number	0218/16
2	Advertiser	ANZ Banking Group Ltd
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	25/05/2016
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Race
- 2.3 - Violence Causes alarm and distress

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows a male customer in a grocery store purchasing a carton of milk. When the store clerk asks how the customer wishes to pay, the customer holds up his iPhone and says "with this". Other customers in the store are shown in various states of concern and awe, as dramatic music plays. The customer then pays for the milk at the terminal using Apple Pay and everything returns to normal. The voiceover states "ANZ welcomes Apple Pay. Anywhere you can tap & pay. It's a big deal for a fraction of a second."

### THE COMPLAINT

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

*It uses a young man of middle eastern appearance taking out his mobile phone to pay. The advertisement depicts everyone in the shop becoming nervous and some move to take cover.*

*He uses his mobile phone to pay for his goods; and the reaction of the other actors implies that he is a terrorist about to detonate a bomb using his mobile phone. The other shoppers stepped away with fear in their eyes.*

*This advertisement highlights appalling stereotypes that are held. It vilifies and discriminates against people of middle eastern appearance and is totally irresponsible. Given the current*

*times we live in with terrorism, it is extremely offensive to use a Muslim as the main character. He is the only person of colour in the advert.*

*This is not a positive message but a condescending slur and is culturally insensitive to Australia multicultural community. Creating racial tension is a trend across all media and this is an issue people of colour face every day.*

*Is not at all funny when considering the current global cultural climate and terror warnings across the world, that have included targeted attacks in supermarkets in a number of countries.*

*I feel that there is a blatant racist and alarmist overtone to this ad; very inappropriate advertising in this day and age of terrorist threats.*

## **THE ADVERTISER'S RESPONSE**

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

### *Description of the Advertisement*

*The Advertisement shows a male customer in a grocery store purchasing a carton of milk. When the store clerk asks how the customer wishes to pay, the customer holds up his iPhone and says "with this". Other customers in the store (and a dog and birds outside the store) are shown in various states of excitement, intrigue and awe at the new payment functionality that is Apple Pay, as dramatic music plays and the ANZ merchant terminal is shown. The customer then pays for the milk using Apple Pay and everything returns to normal. The voiceover states "ANZ welcomes Apple Pay. Anywhere you can tap & pay. It's a big deal for a fraction of a second."*

*The CAD reference number for the Advertisement is G31SNFIA.*

*Comments the complainants made regarding the Advertisement included the following:*

*"This advertisement use [sic] the fact of mobile phones having been used to detonate bombs. It vilifies and discriminates against people of Middle Eastern appearance and is totally irresponsible."*

*"I feel thus [sic] is very inappropriate advertising in this day and age of terrorist threats. I believe this advertisement enhances the whole fear thing for terrorist and makes it commonplace."*

*"The nature of the scene is in extremely poor taste, it has clear, terrorist related undertones, has both direct and indirect racial profiling of a number of the figures in the ad and is absolutely not at all funny when considering the current global cultural climate and terror warnings across the world, that have included targeted attacks in supermarkets in a number of countries."*

*“The version of this advertisement is designed to prey on the fears of people into thinking the guy, who is of colour is carrying an explosive of some kind.”*

## *Response*

*We note that the complaints submitted pertain to sections 2.1 and 2.3 of the AANA Code of Ethics. However, you have asked us to comment on how the Advertisement deals with all parts of section 2 of the AANA Code of Ethics.*

### *2.1 Discrimination or vilification*

*ANZ refutes the claims that the Advertisement discriminates against or vilifies a person or section of the community on account of race, ethnicity or nationality. The Advertisement simply shows an everyday Australian using Apple Pay (a new and exciting way to pay) to the shock, awe and excitement of those around him.*

*Representing vibrant and diverse ethnicities, cultural backgrounds, genders and ages in our advertisements is important to ANZ, as it reflects the diverse nature of Australia and our customers. Consistent with ANZ’s previous advertising campaigns, the Advertisement depicts a broad cross-section of Australians of diverse ages, sexes and nationalities.*

*The casting brief was for actors who portray an authentic representation of everyday Australia, with the ultimate actor selection based on the actor’s range of expression and comedic timing.*

*The Advertisement itself uses dramatic effect by cutting between the iPhone, the reaction of the actors to the iPhone being used to pay and the ANZ merchant terminal. The reaction of the actors portrays the shock, awe and excitement of Apple Pay as a new and innovative payment method. The reaction is not one of fear. This reaction is further supported by six of the actors in the Advertisement appearing in subsequent ANZ Apple Pay advertisements using Apple Pay excitedly (having been inspired by the use of Apple Pay in the Advertisement).*

*The focus of the Advertisement is clearly the use of the iPhone (through the use of Apple Pay) to pay – the store clerk asks the question “how do you wanna pay” and the Advertisement cuts between the iPhone that will be used to pay (through the use of Apple Pay) and the ANZ merchant terminal. At no time is there any suggestion that the iPhone will be used for any other means other than payment. There is absolutely no suggestion or implication that the phone could be used for terrorist activities as the complaints suggest.*

### *2.2 Exploitative and degrading*

*The Advertisement does not employ sexual appeal in a manner that is exploitative and degrading of any individual or group of people. All actors are appropriately dressed and do not portray or communicate a message of a sexual nature.*

### *2.3 Violence*

*At no time does the Advertisement present or portray violence. ANZ notes the complaints claim the Advertisement implies a terror threat. As noted above, the focus of the*

*Advertisement is the use of Apple Pay by an everyday Australian to pay for milk, to the shock, awe and excitement of those around him, given that Apple Pay is a new and exciting innovation that is not currently available at the other major banks. The Advertisement does not present or portray the iPhone being used for any purpose other than payment (through the use of Apple Pay). The Advertisement definitely does not portray the use of the phone for terrorism.*

#### *2.4 Sex, sexuality and nudity*

*All actors are appropriately dressed and are not portraying or communicating a message of a sexual nature.*

#### *2.5 Language*

*The Advertisement uses language appropriate in the circumstances, depicting a typical purchasing transaction in a grocery store. The Advertisement does not include any strong or obscene language.*

#### *2.6 Health and Safety*

*The Advertisement does not depict material that is contrary to prevailing community standards on health and safety. Filming of the Advertisement complied with relevant health and safety regulations.*

## **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 discriminates against people of Muslim/Middle Eastern appearance, is racial stereotyping and plays on the fear of terrorism.

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 considered that the tone of the advertisement is established as soon as the cashier asks the man how he wants to pay. There is then the soundtrack building to a crescendo and other customers are shown looking towards the counter with what, in the Board’s view, is a reasonable interpretation of fear – backed up by customers backing out of the shop, a dog

cowering, and birds taking flight. There is focus on the eyes of the customer – looking challenging, and the cashier – looking fearful.

The Board noted that the advertiser in its response states that the customers in the store (and a dog and birds outside the store) are shown in various states of excitement, intrigue and awe at the new payment functionality. The Board acknowledged the advertiser's intended interpretation and also acknowledged the advertiser's intent of using a broad cross section of Australians of diverse ages, sexes and nationalities in this advertisement.

The minority of the Board considered that, despite the interpretation taken by complainants, there is nothing in the advertisement to indicate the man's ethnicity or religion and he is not shown in a negative manner. In the minority's view there is no element of fear or alarm until the Apple Iphone is shown in response to the cashier asking how the customer intends to pay. In the minority's view, the advertisement does establish a context that is clearly about the new payment technology which is being used by the customer, who is depicted as the hero of the advertisement, and how this new technology will be a surprise initially, but will soon be accepted. In the minority of the Board's view there is no negative depiction of the main customer or suggestion that he is a terrorist.

The majority of the Board considered however that the reactions of the other customers, the music and the focus on the close up looks on the cashier's eyes all combined to create an impression of alarm and fear of whether or not the man is planning violent behaviour. In the majority of the Board's view this uncertainty and fear is emphasised right until the end of the advertisement when the payment is made. In the majority of the Board's view, whilst the ending may indicate that fear was not a reasonable response, the impression of fear was reasonable given this possible interpretation was there.

The majority of the Board considered that the advertisement presents a man of Indian/middle eastern race being presented as a person who is feared by other customers. The Board considered that this depiction of a man of that race being feared by other people trivialises a serious issue that is unfortunately playing out in the community, whereby for many people due to their religion or race the experience of being vilified due to events happening around the world, is real. In the majority's view, the depiction of a man of Middle Eastern appearance being feared by other people is a negative depiction of the man and men of his race as it builds an impression that people of that race might be planning terrorist activities.

The Board noted the AANA Practice Note and specifically considered the references to:

‘A negative depiction of a group of people in society may be found to breach section 2.1 even if humour is used. The depiction will be regarded as negative if a negative impression is created by the imagery and language used in the advertisement.

Advertisements can suggest stereotypical aspects of an ethnic group...with humour provided the overall impression of the advertisement is not a negative impression of people of that ethnicity or gender.’

The Board noted its previous decision in 0267/11, where it upheld complaints on the basis that:

‘...the depiction of the door to door salesman as an Indian man with a strong accent does

perpetuate a stereotype, and is one that would generally be considered to be a negative stereotype of a person from a particular racial background. The Board also considered that the subtle suggestion that the Indian man may not be completely honest is also offensive and that is vilifying Indian people. The Board determined that, in this instance, the advertisement does depict Indian people with a negative stereotype about their occupation and honesty...’

The majority of the Board noted that the man is eventually seen as the hero of the advertisement but considered that the depiction of a man of a particular racial type being feared by other people, even though he is just buying a carton of milk, leaves a negative impression of people of that ethnicity. Consistent with the decision in 0267/11, the majority of the Board considered that this advertisement depicted men of a certain appearance in a negative manner.

The Board considered that the advertisement did 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 determined that the advertisement did breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted the complainants’ concerns that the advertisement plays on the fear of terrorism. The Board acknowledged the suggestion of alarm in the reaction of the actors however in the Board’s view this was not sufficient to amount to a depiction of violence or a strong suggestion of menace The Board considered that there was no violence portrayed in the advertisement.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

Finding that the advertisement did breach Section 2.1 of the Code, the Board upheld the complaints.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

While ANZ respects the role of the Advertising Standards Bureau and confirms that the advertisement the subject of the above complaint (‘Advertisement’) is no longer on air on television or in cinemas, I note that ANZ is extremely disappointed:

- by the Board’s determination that the Advertisement is in breach of Section 2.1 of the Advertiser Code of Ethics; and
- with the Board’s negative interpretation of the authentic representation of an everyday Australian undertaking an everyday task (purchasing milk) using an exciting new payment method.

