



Case Report

1	Case Number	0248/11
2	Advertiser	Carworks
3	Product	Vehicles
4	Type of Advertisement / media	TV
5	Date of Determination	13/07/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

A man wearing an Essendon Guernsey stands in front of an image of an AFL stadium and says "Bugger the Dream time brother, when you have specials like these..." then introduces cars for sale at Carworks.

THE COMPLAINT

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

It seems to me that this advertisement is talking about the aboriginal way of life and their culture. The way in which the guy on the ad says "Bugger the dream time" seems inappropriate after having the dream time game in the AFL the week before.

THE ADVERTISER'S RESPONSE

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

The advertiser rang to say they would not be providing a response as they don't believe they should have to.

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 treats aboriginal culture inappropriately.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications 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.”

The Board noted that the advertisement features a man presenting deals on cars at Carworks and that he begins by saying, “Bugger the dream time...”

The Board agreed that some members of the community could be offended by the use of the phrase ‘bugger the dream time’ given the cultural significance of ‘dream time’ to indigenous Australians, however the Board considered that as there is also an AFL match called the Dream Time, it is reasonable to assume that the advertisement is making a reference to the game and does not denigrate an indigenous culture.

A minority of the Board considered that the use of the phrase ‘bugger the dream time’ was in bad taste however the majority of the Board considered that the tone of the advertisement is lighthearted and should be interpreted in the context of an AFL game. The Board considered that the advertisement does not demean aboriginal culture.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community on account of religion and did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided.”

The Board noted the word ‘bugger’ was used in the advertisement and considered that this word was used in a manner that is consistent with colloquial usage in Australia. The Board noted that the advertisement could be heard by children but considered that, despite being able to be heard by children, most members of the community would consider that the language used in the advertisement was not inappropriate and was not strong or obscene.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.