



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0268/18
2	Advertiser	Unilever Australasia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	06/06/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows scenes of a tea plantation in Kenya with a woman describing the harvesting process. The final scene shows a group of caucasians drinking tea around a table.

THE COMPLAINT

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

I feel the advert depicts and perpetuates antiquated and negative racial stereotypes.

THE ADVERTISER'S RESPONSE

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

*Re: Advertisement complaint reference 0268/18
LIPTON TEA TV COMMERCIAL*



We refer to your letter of 25 May 2018 in relation to a complaint about a TV commercial for Lipton Tea (the “Advertisement” or “TVC”). Currently the 30 second version of this TVC is being aired. A copy of the Advertisement is enclosed.

Unilever is a responsible advertiser and has numerous internal review processes, including review by Unilever’s Legal and Corporate Relations Departments to critique all advertisements to ensure compliance with legal and ethical considerations. Unilever takes the AANA Code of Ethics seriously and we have taken great care to ensure that the Advertisement complies with the Code of Ethics.

The Complaint

AD DESCRIPTION: The advert depicts a black African woman working on a tea plantation, then a group of white people drinking tea.

REASON FOR CONCERN: I feel the advert depicts and perpetuates antiquated and negative racial stereotypes.

CAD Approval

The TVC received CAD approval.

15second version – G5SF7NAA

30second version – G5SF8NAA

Compliance with AANA Code of Ethics

3.1 Section 2.1 of the Code of Ethics

Section 2.1 of the Code 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 the account of race, ethnicity, nationality, gender [...].”

We submit that the Advertisement does not depict material which discriminates or vilifies any section of the community. The Advertisement shows tea plantations in Kenya, where Unilever has been growing tea since 1924, and opens with the statement “Lipton”, “Kericho, Kenya”. Consumers who watch the Advertisement will understand that the tea plantation shown in the Advertisement is located in Kenya. As the Advertisement shows a tea plantation in Kenya the workers in this plantation are Kenyan workers. One of the Kenyan workers explains how Lipton tea is grown.

The Advertisement then shows a group of female Kenyan workers drinking tea. The next frame shows two Caucasian women and a Caucasian man drinking Lipton tea at home. We submit that the Advertisement takes a balanced approach by showing both Kenyan workers as well as Australian consumers drinking Lipton tea.



The portrayal of the Kenyan worker and the fact that the group of Australian consumers drinking tea does not represent all Ethnic groups in Australia does not amount to discrimination or vilification. The Kenyan worker acts as narrator and is shown as a confident person who shares her knowledge about the tea growing process.

Unilever believes that we not only have a responsibility to respect human rights – we also have the ability to advance and promote them.

Our Human Rights Policy Statement describes our commitment to respect universal principles, our due diligence processes and our governance. We're using the framework provided by the UN Guiding Principles on Business and Human Rights to monitor, influence and improve the business practices of our own operations, as well as those of our suppliers and business partners.

In Kericho, Unilever provides workers with pay and working conditions significantly above the agricultural workers' norm - approximately two and a half times the statutory minimum agricultural income in Kenya. Unilever also offers housing, annual leave pay, transport allowances, paternity and maternity leave, free health care, nursery and primary school education, clean potable drinking water and free meals during working hours. As with any society where work and private lives are tightly intertwined, there continue to be particular challenges that we are working hard to address.

We're committed to ensuring that all our employees work in an environment that promotes human rights by supporting diversity, trust and equal opportunities, and is free from discrimination or victimisation. This is one of the most basic foundations of our business culture, and one that enables our employees to work at their best, wherever they are in the world.

Our Respect, Dignity and Fair Treatment Code Policy sets out what we and our employees must do to ensure this. In 2016 we updated the Policy specifically to prohibit discrimination on the grounds of gender identity.

3.2 Sections 2.2, 2.3, 2.4, 2.5 and 2.6 of the Code of Ethics

The Advertisement does not employ sexual appeal, portray violence, refer to sex, sexuality or nudity, or depict material that is contrary to Prevailing Community Standards on health and safety. We submit that the Advertisement complies with these sections of the Code of Ethics.

Conclusion

We submit that the context of the Advertisement and the language used are well



within prevailing community standards and that the Advertisement complies with the Code of Ethics.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Panel noted the complainant’s concern that the advertisement is racist towards Africans.

The Panel viewed the advertisement and noted the advertiser’s response.

The Panel noted that this television advertisement is for tea. It features scenes of African women harvesting tea while a voiceover explains the process. The advertisement ends with a group of Caucasians drinking tea at a table.

The Panel 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 Panel noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

“Discrimination – unfair or less favourable treatment
Vilification – humiliates, intimidates, incites hatred, contempt or ridicule”.

The Panel noted the complainant’s concern that the advertisement depicts and perpetuates antiquated and negative racial stereotypes.

The Panel noted that the advertisement opens with text on screen stating “Kericho, Kenya”. The Panel considered that the advertiser is depicting the origin of the product. The Panel also noted that the voiceover is of a Kenyan woman explaining the process of growing tea. The woman is seen drinking the product before the ad moves to the final scene which shows a group of Caucasians in a stereotypical suburban Australian household is a depiction of where the final product goes. The Panel noted the advertiser’s response that this is a balanced approach to show both Kenyan workers and Australian consumers.

The Panel considered that the advertisement does not depict the Kenyan workers or Africans in general in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule and that in the context of a setting in Kenya, it is not



discriminatory to show people of African heritage working in a tea plantation.

The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of race and does not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

