



## Case Report

1	Case Number	0278/16
2	Advertiser	The Beechworth Sweet Co
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/07/2016
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts the front of the business, a snapshot of some chocolate products and the business logo for The Beechworth Sweet Co. The logo depicts old fashioned toys, including a golliwog, pets and old fashioned confectionery. The logo was animated a little to add interest for television.

### THE COMPLAINT

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

*I found this commercial to be offensive due to the depiction of a golliwog . It shocked me deeply, this is a racist symbol! In 2016 the image of a golliwog on television is completely inexcusable. I truly believe casual racism like this is so damaging to the community and this commercial should never be aired again.*

### THE ADVERTISER'S RESPONSE

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

*The part of the ad that we believe has caused the viewer concern is the logo at the end. This logo was set up when the business opened in 1992. The logo is done in an old fashioned style to depict the Victorian era of the historic town of Beechworth which maintains signage and*

*streetscapes as part of its heritage attraction. The Beechworth Sweet Co. believes the logo represents childhood memories, eg. toys, pets and old fashioned confectionery. Golliwogs now referred to as Gollies were very popular toys at the beginning of the 20th century and were characters in many children's books. The racial connotation of golliwogs came around the 1960s. We believe we represent gollies as part of happy childhood memories in a tasteful respectful way.*

*We do stock Gollies in the shop, which are made to a high standard with beautiful clothing. We sell the product to people who are lovers and collectors of Gollies or to people buying gifts for young children. Every sale I have made of a Gollie has been because it provokes positive memories of their childhood love for their Gollie and the wish to pass that love to a child, or they collect them as part of their own happy childhood memories.*

## **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 a golliwog which is a racist symbol and is offensive.

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 that this television advertisement features images of the advertiser’s store and the products they sell with the final visuals showing an animated scene of the characters that form the company logo.

The Board noted the complainant’s concern that the logo includes an image of a golliwog and that this is racist and offensive.

The Board noted that ‘Golliwogg’ is a black fictional character, usually depicted as a type of rag creature, created by Florence Kate Upton in the late 19th century. The Board noted that this character has been sold as a type of rag doll and named either ‘golliwogg’, ‘golliwog’ or ‘golly’.

The Board noted that the golly is now recognised as a symbol of racial insensitivity due to its origins as a minstrel-like caricature as minstrels were usually white men using black face to depict “racist Black stereotypes” (<http://black-face.com/minstrel-shows.htm>).

A minority of the Board acknowledged that some members of the community would find an image of a golly to be offensive given its historical racist connotations but considered that there is an element of positive nostalgia associated with the dolls given their popularity as a

child's toy during the first part of the twentieth century. A minority of the Board considered that a golly is just a toy many people have grown up with and in the context of an image of a label which contains a selection of childhood toys promoting old-fashioned confectionary, an image of a golly as part of this selection is not of itself discriminatory or vilifying.

The majority of the Board however noted the origins of the golly and considered that although many white people may have fond childhood memories of the doll this should not override a black person's feelings regarding the racist element behind the doll's appearance. The Board noted the Practice Note for Section 2.1 of the Code provides the following definitions:

Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

The majority of the Board acknowledged the innocence behind the nostalgia associated with the doll but considered that community standards have evolved significantly over the past fifty years and most members of the community would be aware of the racist symbolism of golly dolls. The Board noted that earlier this year golly dolls were withdrawn from sale at the Canberra Hospital (<http://www.canberratimes.com.au/act-news/golliwogs-removed-from-sale-at-canberra-hospital-after-online-condemnation-20160203-gmkp9z.html>) due to community concern and considered that there is a level of community concern about the continued use of these dolls due to their racist connotations.

The Board noted that the golly is used in the advertisement as part of the company logo. The Board considered that by making the golly's hand move in the animated final scene, the advertiser is drawing specific attention to this doll. The Board noted it has no jurisdiction over the design of the company logo itself but considered that by using animation to highlight the characters in the logo, and by drawing the viewer's attention to one particular toy, the golly, the advertisement uses an inappropriate racist symbol. The Board considered that the use of the animated golly character represents a symbol that humiliates and ridicules a person on account of the colour of their skin.

The Board considered that the advertisement did portray or depict material in a way which vilifies a person or section of the community on account of race.

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

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

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

I wish to advise that we The Beechworth Sweet Co have suspended the TV advertising pending further correspondence regarding the processes and the possibility of a review.

It has never been our intention to be racist. The intent of this advertisement has always been to share our love of sweets.

