



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0336/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Wicked Campers</b>
<b>3</b>	<b>Product</b>	<b>Travel</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/08/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Not Modified or Discontinued</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Other

## DESCRIPTION OF THE ADVERTISEMENT

White Wicked Campers car with the rego 1DF 578. On the side of the car is an image which looks like Hitler and the text, "Yes We Can!" and on the rear is the text, "@ I'm a believer!".

## THE COMPLAINT

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

*Adolf Hitler was directly responsible for the intentional murder / extermination of millions of Jews, Physically & Mentally disabled, Homosexuals, Gypsies, Dark Skin people, Seventh Day Adventists, Jehovah's Witnesses, Soviet POW's, Trade Unionists, Communist Sympathisers and political opponents. He is also responsible for the millions who died in World War 2. Hitler's image and the statement "Yes we can" is a campaign to continue the murderous policies initiated by Hitler.*

*It is highly offensive to me and to anyone else whose families were affected by Hitler.*

## THE ADVERTISER'S RESPONSE

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

*The advertiser did not provide a response.*

## **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’s depiction of Hitler along with the phrase, “Yes we can!” is offensive to all those affected by Hitler’s regime.

The Board viewed the advertisement and noted the advertiser had not provided a 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 advertisement features an image of Hitler next to the words, “Yes we can!”

The Board noted that Hitler is recognisable to most members of the community as the Dictator in charge of Nazi Germany during World War II and that his regime was responsible for the persecution and deaths of millions of Jewish people.

The Board noted it had recently dismissed an outdoor advertisement for a computer game called Wolfenstein which depicted Nazi-like characters in case 0188/14 where:

“The Board considered that the advertisement depicts characters who are likely to be recognisable as Nazis because of the helmet and that this would be upsetting to some members of the community. However, the Board considered that the image is relevant to the product and does not make any clear suggestion of violence towards sections of the community and that an image suggestive of a Nazi is not of itself a breach of the Code. The Board noted that the images in the advertisement are relevant to the product being advertised being a M rated game about Nazi resistance.”

In the current advertisement the Board noted that the image would be most likely to be identified as Hitler and considered that there is no relevance between this image and accompanying text and the advertised product.

A minority of the Board noted that the image in the advertisement is not labelled as Hitler and that the phrase, “Yes we can!” is ambiguous and open to a range of interpretations.

The majority of the Board however noted that the image is a very good likeness to an instantly recognisable historical person, Hitler, and considered that the phrase, “Yes we can!” is a phrase which is often used in accompaniment to an image of Hitler in Nazi paraphernalia. The Board noted that the image of Hitler and the regime he stood for are associated with discriminatory behaviour towards Jewish people and considered that the use of this image and the positive text amounts to a depiction which would cause distress to not only Jewish

people but to anyone affected by the horror of World War II.

The majority of the Board considered that overall the depiction of an image which is strongly suggestive of Hitler alongside the text, "Yes we can!" amounts to an overall depiction which does discriminate against or vilify a section of the community.

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**

The advertiser failed to provide a response.