



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph: (02) 6262 9822 | Fax: (02) 6262 9833
www.adstandards.com.au

Case Report

1	Case Number	0344/10
2	Advertiser	Panasonic (Aust) Pty Ltd
3	Product	House goods/services
4	Type of Advertisement / media	TV
5	Date of Determination	11/08/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

We see a black sheep on a white screen and a male voiceover describes the colour black as the black sheep of the family. The voiceover then goes on describe other black things which aren't pleasant (blackmail, bats, black stains), and the sheep changes shape to match whatever the voiceover is describing.

The voiceover then says that a good thing about black is that it can make things stand out such as the new Panasonic Neo Plasma TV.

The final shot is of a Panasonic TV with fireworks exploding on the screen and the text, "Neo Plasma. Blacker blacks. Brighter colours."

THE COMPLAINT

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

It is naive to think that "black" refers only to a colour. It is also in this country a strong cultural reference to people with dark skins especially indigenous Australians.

You only have to look at the CNN footage a month or so ago of 5 y.o. children - black and white - identifying the "bad" person in identical cartoon drawings as being the one with dark skin - to realise how pervasive the connection between "bad" and "black" is.

Panasonic is perhaps thoughtless in the way they are presenting this commercial but to strongly reinforce the stereotype and strengthen the link between "black" and "bad" is socially irresponsible.

This is the first complaint I have ever made about a commercial and it is not political correctness run amok. I have done a lot of work in indigenous communities and with African Americans in the US. They do it tough enough without having a slick and slightly sinister animation reinforce the idea that "black is bad". Saying that "black is good" because it lets you see colours could work? If not then changing ad agencies might also work. I have already complained directly to Panasonic about this.

THE ADVERTISER'S RESPONSE

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

Before addressing specifically the Complainants reasons we would like to illustrate the context in which 'black' is widely used and/or contextualized within socially acceptable community beliefs, standards and expressions.

Black is indeed a colour and it is a powerful and authoritative colour which has over times evoked strong emotions. It is defined as being 'the colour of objects that do not emit or reflect light in any part of the visible spectrum' and which absorbs all frequencies of light.

Black is often utilised in many ways other than to describe people. This distinction is very relative to the specifics of the Complainant and Section 2 of the Code.

Some of the ways in which black is used or contextualised in language and usage are illustrated below:

(a) Authority and seriousness, eg a 'black belt' is a symbol of achievement in martial arts.

(b) Music, eg "Black or White" is a single by Michael Jackson which appears on his 'Dangerous' Album.

(c) Science, eg a "black sky" refers to the appearance of space as one emerges from the earth's atmosphere.

(d) Sport, e.g. the New Zealand rugby team is known as the "All Blacks".

(e) Religion and Superstition, e.g. the Hindu deity Kirshna means "the black one"; black cats may be thought of as bad luck or good luck; native Americans associated "black" with life giving soil.

(f) Expressions, e.g. a blacklist is an undesirable list which are often used by companies and government organisations; a black market is used to denote the trade of illegal goods.

The television commercial doesn't include any reference, or for that matter portray a meaning, which in our opinion can lead to a conclusion that it relates to 'black people'.

Panasonic's advertisement utilises associations which would otherwise not be associated with 'black people' when applying usages which are consistent with the listing provided as illustrations above.

We now turn to the specific issues identified by the Complainant:

We do not deny that the use of the word 'black' is only a reference to colour. The usage, context and expressions that have developed over time which we have suggested above illustrate that 'black' and its use in language may mean different things. Panasonic has nevertheless specifically utilized in its advertisement the word 'black' to clearly identify that it is (a) a colour, (b) that it describes a manifestation of a colour, and (c) that the colour is indeed produced in a particular way so that it makes other colours look brighter. The advertisement does not portray or depict material which is in contravention of the Code in the manner described by the Complainant.

We have illustrated above by the use of generally accepted social and community understanding that the colour black may be associated with both good and bad things. We do not agree that the use of some of the common associations with black in any way reinforces a 'stereotype' and is 'socially irresponsible'. The illustrations of common usage, some of which we have provided above, support this view.

We do not believe that the advertisement reinforces that 'black is bad'; The advertisement is purely about colour representation on a television screen.

Application of Advertisement to Section 2 of the Code

We have viewed section 2 of the AANA Code of Ethics. We do not believe that the advertisement contravenes the AANA Code of Ethics and specifically s2.1 of that Code, based upon the contextual usage of the animation, the black colour and the purpose of the advertisement, for the following reasons:

- a. The advertisement is focused on the benefits of Panasonic's plasma technology colour reproduction; that being the presentation of deep blacks and bright colours.*
- b. The animation utilised to illustrate the benefit of the black colour on the television does not lead when viewing the advertisement in part or in its entirety to a conclusion other than for its intended purpose; that it is indeed specific to a technology contained in a television set.*
- c. The use of material in the advertisement doesn't depict or portray a discriminative story or theme that relates to a person or section of the community or leads a reasonable person to conclude that it would otherwise do so, and*
- d. The animation and material used in the advertisement does not directly or indirectly involve race, religion, ethnicity, nationality, sex, sexual preference, disability or political belief which would otherwise be in breach of the Code.*

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 concern that the advertisement is racist because it portrays the colour black negatively.

The Board viewed the advertisement and noted the advertiser's response.

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”.

The Board noted that the advertisement depicted images relating to various words connected to the colour black: blackmail, black bats, black sheep and so on. The Board considered that whilst all these connections to the colour black were negative, there was no reference or link made with the colour black and a race of people.

The Board noted the advertiser’s response that the intended message of the advertisement was to highlight the blackness of the TV screen and the fact that it made colours appear more

brightly. The Board considered that whilst certain sections of the community could take offense, the use of the term 'black' is removed enough from 'race' that the connection is hard to make.

The Board agreed that most people in the community would appreciate that the advertisement was meant to highlight the blackness of the new Panasonic TV screen and would not be considered offensive or discriminatory against people on account of their ethnicity. The Board determined that the advertisement did not breach section 2.1 of the Code.

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