



Case Report

1	Case Number	0358/11
2	Advertiser	Patties Foods Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	28/09/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

A voice over says that Scots have never been very welcome on the Australian worksite and we see a man in a kilt performing various tasks on a building site which involve him inadvertently showing his work mates that he is not wearing undies beneath his kilt.

THE COMPLAINT

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

*As a Scottish Australian I was mortified to see this racist offensive and disgusting depiction of my fellow Scots.
If this was done in any other context like Asian, Aborigine or Indian it would have never been shown. I sat in a pub full of Australian who laughed at this advert and then looked at me not laughing and wondered why? Because its racist! Firstly the whole advert is borderline insane and makes no sense at all. Why would my fellow countrymen wear a mini skirt kilt and Scottish attire to a building site? We take wearing our National dress seriously and also wearing nothing underneath our kilts which is a tradition that goes back 100s of years. Also the actors are not even Scottish but some poor Australian actor been told to try and do a Scottish accent and the reason is that no sane Scotsman would be in such a racist advert. Why did this advert get through the net? It is so racist that it makes me sick to my stomach and so angry to see. Us Scots as a Nation of few in Australia built this country and I know a lot of my history in Australia one person being Govenor MacQuarie. I am sure that he would turn in his grave if he saw what Australians thought of his own countrymen. It is not funny*

and this advert has to be pulled immediately. As the chairman of The Scottish Club in Sydney I will be making sure that all of my friends here and family back home get to see how Australians actually depict us as a Nation which will surely hit your tourism for sure. In this day and age these type of adverts are just not acceptable and I would like a formal apology made to all Scots living in Australia and myself made on TV and at the next AFL matches played in Australia. This is the third advert using my heritage to sell food and this is the last straw.

THE ADVERTISER'S RESPONSE

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

With regard to the above referenced complaint regarding the Four'N Twenty television advertisement, I would like to offer the following response on behalf of Patties Foods; It is noted that the board will consider this complaint against section 2 of the AANA Code of Ethics which talks to vilification and discrimination.

Clearly, the depiction of Scots in kilts in this ad is merely used as an analogy for introducing Angus beef (originally from Scotland) to the quintessentially Australian Four'N Twenty pie. The complainant recognises the fantasy that no Scot would wear a "mini skirt kilt" to a building site, but fails to acknowledge that this scenario is clearly a humorous juxtaposition to this characteristically Aussie bloke setting, and is in no way meant to portray reality or be taken seriously. The ad is clearly tongue-in-cheek and no harm is meant by it. In fact, the Four'N Twenty Legendary Angus Pie has the approval and full support of The Angus Society of Australia.

We trust that the information supplied is satisfactory to the Advertising Standards Bureau.

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 is racist and offensive in its treatment of the Scottish.

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 considered that the statement “the Scots have never been very welcome on an Australian worksite” could be seen as a racist comment but is clearly referenced to depictions of Scotsmen flashing their workmates when working on a building site.

The Board considered that the statement that Scots are not welcome is made in a tongue in cheek fashion and is then humorously backed up by the depiction of a Scotsman flashing his workmates because he is apparently not wearing underwear beneath his kilt.

The Board noted that Scotsmen were highly unlikely to wear a kilt on a building site and considered that the use of their traditional dress in the advertisement is a stereotypical portrayal which is not negative but is meant to be exaggerated and humorous. The Board considered that the advertisement is not racist and is unlikely to be considered offensive to most members of the community with Scottish heritage.

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

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