



Case Report

1	Case Number	0379/12
2	Advertiser	Pacific Magazines
3	Product	Media
4	Type of Advertisement / media	Print
5	Date of Determination	12/09/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Religion

DESCRIPTION OF THE ADVERTISEMENT

One image is of two female women and one man sitting at a table wearing Amish clothing. One woman is smiling and touching a plate which has a macaroon tower on it. The other woman and the man look disapproving. The second image is of three women and one man standing in line wearing Amish clothing. One of the women has a slit in her skirt and she is exposing her leg from the upper thigh to her ankle. In both versions the text, "It starts with a New Idea" is written at the bottom of the page next to an image of the magazine, New Idea.

THE COMPLAINT

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

I find this advertisement very disrespectful to the Amish community. If it was a larger religious community in Australia i.e. Catholic (using Nuns/Priests) or Muslim I'm sure there would be an outcry. I have no particular religious affiliation...just think it is really tacky and denigrating to woman in general.

THE ADVERTISER'S RESPONSE

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

In order to ensure that this campaign did comply with the Code of Ethics, we made sure that the campaign (TVC) storyboard was reviewed by Anisimoff Legal. We received feedback that while it was acceptable to depict the Amish community, we needed to ensure that the TVC advertisement did not vilify or disrespect the Amish community. We then took great care in developing the campaign to ensure that this advice was strictly followed (and that the executions did not vilify or disrespect the Amish community in any way). You have asked us to respond to the issues raised in the complaint for the purposes of submission to the Advertising Standard Bureau (“ASB”) which we understand will review the complaint, particularly having regard to Section 2 of the Australian Association of National Advertisers Code of Ethics (“Code Of Ethics”). We note that the complainant considers the press advertisement to be disrespectful of the Amish community and women in general. Accordingly, our response is set out below. At the outset, we strongly deny any allegation that the advertisement breaches Section 2 of the Code of Ethics. More specifically, we strongly deny that the advertisement portrays or depicts material in a way which vilifies or disrespects a person or section of the community on account of culture or religion, or that the advertisement is otherwise demeaning towards the Amish community (or any other culture or religion) or women generally. While the advertisement does portray a community living a simple lifestyle (such as an Amish community), there is nothing in the advertisement which suggests that such a way of living is wrong, unreasonable or nonsensical. In addition, while the advertisement also shows members of the community perhaps engaging in novel or slightly uncommon behaviour, there is nothing to suggest that these members of the community were previously unhappy with their way of life (or that their way of life was somehow wrong or ridiculous). A slight change in behavior does not amount to mockery of a past behaviour (or a suggestion that such past behaviour was wrong or unreasonable). The prohibition found in Section 2.1 of the Code of Ethics contains strong language – advertisements must 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, gender, age, sexual preference, religion, disability, mental illness or political belief. The AANA Practice Note to the Code of Ethics defines “discrimination” to mean unfair or less favourable treatment and “vilification” to mean humiliates, intimidates, incites hatred, contempt or ridicule. There is simply no basis to conclude that the advertisement portrays the Amish community in a pejorative light, let alone incites hatred, contempt or ridicule towards them. The advertisement does not vilify, mock, denigrate or belittle the traditional values of the Amish community, it simply shows how the introduction of something new can sometimes impact a community group and allow for the consideration of a different way of living. Furthermore, there is nothing in the advertisement which suggests that it would be acceptable to vilify, mock, denigrate or belittle the Amish community or religion (or any community or religion for that matter). The advertisement represents the Amish community and its way of living as accurately as possible and does not exaggerate any particular aspects of the Amish life simply for the purpose of making a more effective promotional statement. We note that the AANA Practice Note to the Code of Ethics provides that “advertisements can suggest stereotypical aspects of an ethnic group with humour provided the overall impression of the advertisement is not a negative impression of people with that ethnicity”. To the extent that members of the Amish community (or other similar cultures or religions) were portrayed in a stereotypical manner, the overall impression of the advertisement was not negative. We also note that the complainant took the view that this advertisement was offensive to women generally. This is not the case. The women shown in the advertisement are not engaging in behaviour that is particularly lewd, unusual or risqué (even if such behaviour may be more unusual in the Amish community) and therefore it is our

view that the advertisement would not be offensive to women generally. In the image where one woman reveals her leg from underneath her clothing, it is simply replicating what is now an infamous Angelina Jolie pose from the red carpet at the 2012 Oscar Awards. While the woman in the advertisement does show her leg from beneath her clothing, she does not reveal any of the more intimate parts of her body or her underwear. We note that it is not uncommon for advertisements to depict certain cultures or religious groups. We understand that Levi Strauss ran a television advertisement in 2003 which also depicted members of the Amish community (with two Amish women attempting to steal the pants of a man swimming in the river). The ASB received complaints that this advertisement mocked the Christian faith and that the depiction of the man swimming and coming out of the water was inappropriate given the sensual and sexualised nature of his movements (Complaint reference: 153/03). Such complaints were dismissed on the basis that while the advertisement may have offended certain members of the community, the majority of people would find the advertisement to be “an acceptable communication under prevailing community standards”. It is our view that the New Idea advertisement falls within the same category and therefore the complaint should be dismissed. New Idea has a long tradition of celebrating and respecting diversity and tolerance. In the magazine’s 110 year history it has covered a wide variety of stories in a compassionate manner – from discussing post natal depression in the 60s (a taboo subject at the time) to more recently Natalie Cook sharing her same sex marriage celebration exclusively with New Idea. Cadel Evans broke the story of his Ethiopian adoption with us and recently, our Editor-in-Chief reported from the food famine crisis in West Africa’s Muslim nation of Niger to help drive donations. We’ve interviewed rising indigenous star Jess Mauboy and celebrated an indigenous smoke ceremony marriage in Kakadu. Our readers expect us to tell stories that are entertaining and topical in an appropriate and culturally sensitive way – it’s a key and ongoing pillar of New Idea’s editorial policy, and we have six full time sub editors responsible for supporting that policy. Finally, the TVC from this advertising campaign was discussed at the last ASB meeting and the case study report (0347/12) states the advertisement ‘does not present their (Amish) religion or way of life in a manner which would be considered discriminatory or vilifying.’ and that the board ‘considered that the women in the advertisement are presented in a manner which is not exploitative and degrading.’ The complaints regarding the TVC were therefore dismissed. Whilst we do regret any offence suffered by the complainant in this instance, we simply cannot accept that the complaint has any merit or validity whatsoever. Accordingly, we do not consider that the advertisement breaches the Code of Ethics. We trust that the above serves to clarify the concern raised by the complainant and assists the ASB to make a balanced assessment as to the status of the New Idea press advertisement. However, please do not hesitate to contact me if you have any queries or require further information.

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 presents the Amish people in a manner which discriminates against their religion and against women in general.

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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that there are two versions of the advertisement: in one we see two women and one man wearing Amish clothing and sitting at a table looking at a macaroon tower. The younger of the two women appears to be admiring the macaroons whilst the older woman and the man appear disapproving. The second version depicts three women and one man, again all wearing Amish clothing with the younger woman standing in a pose with her right leg exposed through a split in her skirt.

The Board noted the complainant's concern that the advertisement discriminates against Amish people based on their religion. The Board noted it had recently dismissed complaints regarding the TV, Internet and Cinema versions of this advertising campaign (case references 0337/12, 0346/12 and 0347/12). The Board noted that the Amish community is presented in these print advertisements in a manner which reflects their choice of living as being different and considered that the focus is on the contrast between their way of life and a more modern attitude. Some members of the Board expressed concern that the Amish have been used in this manner in the advertisement however the majority of the Board considered that the overall tone of the advertisement is gentle and positive and presents a light-hearted take on a depiction of an Amish community which does not discriminate or vilify any section of the community.

The Board noted that there are no records of an Amish community within Australia and considered that even if there were such a community here the advertisement does not present their religion or way of life in a manner which would be considered discriminatory or vilifying.

The Board noted the complainant's concern that the advertisement is denigrating to women in general and noted that in one version of the advertisement we see a younger Amish woman exposing her leg up to her upper thigh. The Board noted that the woman is striking a confident pose in keeping with the now well-known pose of actress Angelina Jolie at the 2012 Academy Awards. The Board considered that the exposure of her leg is not sexualised. The Board considered that this level of nudity was not inappropriate in the context of a woman copying a modern fashion and that the image does not portray women in a manner which is denigrating or discriminatory.

Based on the above the Board determined that, in this instance, that the advertisement did not depict any material that discriminated against or vilified any person or section of society. 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 other grounds, the Board dismissed the complaint.