



Case Report

1	Case Number	0387/12
2	Advertiser	SBS Corporation
3	Product	Entertainment
4	Type of Advertisement / media	Poster
5	Date of Determination	26/09/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for the television program Go Back To Where You Came From and features Angry Anderson in front of a background depicting a rocky and rough coastline. He has his arms folded and a frown on his face. The text reads "I don't accept the boat people at all"

THE COMPLAINT

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

The context makes the man look like a neo Nazi skinhead. There is no attempt to put this ad in proper context. Imagine if you were for example a tourist, or a new immigrant and you saw this ad? Completely misrepresents our nation. Offensive, racist, and vilifying. My understanding is that the television show is appropriate, even very good, - but this ad is unacceptable, and I would argue, unlawful.

THE ADVERTISER'S RESPONSE

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

The complaint

The complainant considers that the Angry Anderson billboard does not provide enough context about the program to reduce the impact of what he considers could be interpreted as an “offensive, racist and vilifying” statement which “completely misrepresents our nation”. The complainant considers that the quote “I don’t accept the boat people at all”, combined with the program title and the “aggressive stance” of Angry Anderson, who is made to “look like a neo Nazi skinhead”, leads to this interpretation.

SBS response

SBS has been asked to provide comments in relation to the issues the complaint raises that fall broadly within Section 2 of the Australian Association of National Advertisers (AANA) Code of Ethics (the Code).

SBS considers that only clause 2.1 of the Code is relevant to its consideration of the complaint and that the remaining clauses are not relevant for the following reasons:

? the advertisement does not employ sexual appeal (2.2)

? there is no portrayal of violence (2.3);

? the advertisements does not deal with sex, sexuality and nudity (2.4);

? strong or obscene language is not used (2.5);

? the advertisement does not depict material that relates to health and safety (2.6).

The other codes incorporated into Section 2 are not relevant as the advertisement is not directed at children and is not for food and beverage products or motor vehicles.

*The Angry Anderson outdoor billboard was part of the campaign for the second series of the SBS documentary series *Go Back To Where You Came From*. It was presented in context with two other billboards on revolving bus stop screens (refer attached) which featured: Peter Reith (former Howard government minister) with the quote, “We did stop the boats”; and all participants in the series with the words, ‘6 prominent Australians. 6 outspoken views. 1 life-risking refugee journey.’*

Go Back To Where You Came From is an ambitious documentary series commissioned by

SBS in association with Screen Australia and Screen NSW, and produced by Cordell Jigsaw. Two series have been produced to date.

The aim of the series is to explore the views of Australians towards the refugee and asylum seeker debate using an innovative documentary style to highlight the complexity of this global issue.

In the first series, six ordinary Australians agreed to challenge their preconceived notions about refugees and asylum seekers by embarking on a confronting journey tracing in reverse the journeys that refugees have taken to reach Australia.

The first series was broadcast in August 2011. A total of 2.9 million people nationally tuned in to the series, and it received widespread critical acclaim and media coverage. The event nature of the series generated considerable online debate including on Twitter.

The second series, which this complaint relates to, follows six prominent Australians as they embark on a refugee journey and experience the reality of refugee life in Afghanistan, Somalia, Ethiopia, Malaysia and Christmas Island. The participants' points of view are challenged throughout the series as they undergo different refugee experiences.

The campaign

The advertising campaign for the series set out to deliver awareness of one of SBS's key and most successful documentary series to date, following on from the successful broadcast of series one in 2011.

As a key objective of the series was to stimulate discussion, the campaign rationale was to use key thought-provoking statements from the participants in the series as a way to stimulate debate and encourage people to engage with the series. The views presented in the campaign were intended to be representative of views held by Australians so as to provide viewers with an array of the differing and real perspectives on the issue.

The statements used in the campaign were approved by each of the participants, and represented their opinion before they embarked on their journeys. Whether or not their opinion changed as a result of their experiences is revealed throughout the series.

The communication was intended to be bold and polarising, matching the intensity of the debate on the issue of refugees and asylum seekers in Australia.

Clause 2.1: Discrimination and vilification

Clause 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Angry Anderson quote refers to “boat people”. The term ‘boat people’ is defined in the Macquarie Dictionary as:

boat people: people who leave their own country and travel in small boats to seek refuge in another country. The term does not describe a section of the community covered by Clause 2.1. The advertisement therefore is not in breach of Clause 2.1.

However SBS would like to respond to the complainant’s allegation that the advertisement was “offensive” and “vilified” members of the community who fit the definition of ‘boat people’. The complainant states that the advertisement is not presented with enough context about the program to make the use of the quote, “I don’t accept the boat people”, in conjunction with the program title ‘Go Back To Where You Came From’ acceptable.

SBS considers that the quote should be considered in the context of considerable and ongoing national debate about Australia’s policy on refugees, asylum seekers and boat people. The government and opposition policy responses to the situation of asylum seekers who arrive by boat are reported in the media on a regular basis. The Angry Anderson quote represents one side of this debate. This is made clear by the language used. The use of the word ‘accept’ clearly indicates that the quote relates to whether or not asylum seekers who arrive by boat should be accepted into Australia, and have their applications for asylum processed in Australia.

This invites further reflection on the current situation in Australia, specifically in relation to the debate around whether boat people should have their applications for asylum or refuge processed in Australia, whether they should be transferred to offshore locations to have their claims processed.

These debates are current and are part of valid civic discussion. The Angry Anderson quote is a statement on this issue. The context of the billboard supports this interpretation.

The quote uses unemotive language. In the context of national policy debate, it is not offensive. It does not refer to boat people in a malicious manner or suggest that they are bad or in any way refer to boat people in a defamatory manner. Nor does it refer to boat people

as a group who should be subject to insults, hatred, contempt or ridicule or intimidation.

There is clearly enough information about the program in the billboard and in the accompanying billboards to indicate that 'event' advertised is meant to be a thought-provoking presentation of the policy debate.

While the program name is provocative, it is presented as an SBS program. SBS is well known as Australia's multicultural broadcaster which promotes understanding and acceptance of Australia's cultural diversity. The billboard also carries the logos of the Australian government and the NSW government, indicating that the program has government support.

The final billboard in the series of three, makes clear the premise of the program by stating: '6 prominent Australians. 6 outspoken views. 1 life-risking refugee journey.' Finally, the complainant considers that Angry Anderson is presented with an "aggressive stance" and looking like "a neo Nazi skinhead", which is used to support the complainant's interpretation that the advertisement is offensive, racist and vilifying. However Angry Anderson is presented looking worried and concerned, with no bravado in his stance. While his arms are folded, this appears more defensive than aggressive and there is nothing menacing in his demeanour. While it is true Angry Anderson does have tattoos, an earring and is bald, characteristics often used to stereotype people as right wing extremists, it is also true that many Australians share these features and are not members of particular right wing extremist political groups, as alleged by the complainant.

Conclusion

For the reasons given above SBS does not consider that the advertisement breaches 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 complainants' concerns that the advertisement is offensive, racist and inappropriate in its portrayal of the man in the poster.

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

The Board noted that the advertisement features an image of Angry Anderson standing at the front with his arms folded and frowning. The text behind him reads “Go back to where you came from” and to the left is a quote “I don’t accept boat people at all”

The Board noted that the poster is a promotion for the television station on SBS of the same name: “Go back to where you came from” and that details of when the program is being aired appear at the bottom of the poster.

The Board noted the advertiser’s response that the advertisement is part of a campaign for the SBS documentary and was used in conjunction with other posters for the program on revolving bus stop screens.

A majority of members noted that the connection between the text and the promotion of the program is evident and that most members of the community would not consider this to be an intentional attack on any one person or group of people. The Board noted that the nature of the program is to explore the views of Australians towards the refugee and asylum seeker debate.

The Board considered that in isolation, viewing the image of Angry Anderson with the wording “I don’t accept boat people at all” could be interpreted as offensive and threatening to some members of the community.

A minority of Board members considered that the imagery behind Angry Anderson, depicting waves crashing onto rocks, could be interpreted as drawing parallel with recent tragedies on Christmas Island. A minority felt that the imagery was provocative and likely to cause offence.

The majority of the Board considered that the man in the advertisement is portrayed in a mildly aggressive manner but considered that the use of a bald headed man with tattoos is not something which most members of the community would consider a portrayal of someone from an extremist group, or someone who is promoting their own feelings toward asylum seekers. The Board considered that the use of an image of Angry Anderson is one that the Australian public would recognize.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community on account of 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.

THE INDEPENDENT REVIEWER'S RECOMMENDATION