



Case Report

1	Case Number	0413/17
2	Advertiser	Meat & Livestock Australia Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	13/09/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Religion

DESCRIPTION OF THE ADVERTISEMENT

This Facebook advertisement depicts various religious/mythical leaders/Gods/characters seated around a table enjoying a meal together. The figures include Thor, Aphrodite, Jesus, Moses, Buddha and Ganesha. Jesus is shown doing a 'reverse miracle' by turning Aphrodite's wine in to water because she is the designated driver. Moses is shown parting the peas on his plate. The hostess declares herself as having no religion and says that lamb is the meat we all can eat.

THE COMPLAINT

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

The portrayal of a Hindu God (Lord Ganesha) along with the talk of lamb in the advert is disgraceful, offensive and inappropriate.

Lord Ganesha represents vegetarianism since he is a vegetarian. Most Hindus are vegetarians. This is very offensive and misinformation to represent him in this way. How can a vegetarian diet be used to sell meat eating.

I would like to point out that Lord Ganesha is highly respected in Hinduism and he was meant to be worshipped in temples or home shrines and not to be used in selling lamb meat for mercantile greed. Moreover, linking Lord Ganesha with meat was very disrespectful and highly inappropriate.

THE ADVERTISER'S RESPONSE

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

Response to complaints 0406/17, 0412/17, 0413/17, 0414/17

We refer to your letter dated regarding complaints the Advertising Standards Bureau (ASB) has received in relation to the Meat & Livestock Australia's (MLA) Spring Lamb campaign (television and online).

We have carefully considered the allegations and for the reasons set out below, submit that the complaints should be dismissed.

The Advertisement forms part of MLA's annual "Spring Lamb" campaign. The Advertisement is premised on the tagline "You Never Lamb Alone" and is designed to celebrate Australia's religious and cultural diversity. The Advertisement is an extension of a similar campaign launched by MLA in Spring 2016 in which MLA called on Australians to celebrate lamb by "getting together over the ultimate cross cultural protein" and "the meat that doesn't discriminate".

This year, the Spring Lamb campaign celebrates Australia's religious diversity by depicting a range of divinities, prophets and icons at an Aussie outdoor dinner party. The scene is clearly fictional and comedic and during the Advertisement, the guests are shown poking fun at each other in a light hearted manner at the dinner table.

The dinner is hosted by a young female who, when asked what religion she is, replies that she is "no religion". There is no express or implied connotation during the Advertisement that religion is not accepted or acceptable, or that the dietary requirements or preferences of any particular religion should not be respected - to the contrary, the overriding message of the Advertisement is religious tolerance and inclusiveness.

The CAD reference number for the Advertisement is G57E3FDA. The CAD rating is G.

We note the 30 second TVC was featured on air for one week from Monday 4 September to Sunday 10 September. The content featured in digital channels with the majority of spend in the same week as the TVC.

The complaints

The complaints allege that the Advertisement is offensive to Hindus and Christians, and incorrectly depicts the Hindu religion by suggesting that the Hindu deity, Ganesh, eats meat.

The ASB has identified Section 2.1 as a potentially relevant provision of the AANA Code of Ethics (the Code), which incorporates the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) and the AANA Code for Advertising and Marketing Communications to Children.

The Code

Section 2.1 of the Code states that "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 or political belief.

Submissions

The complainants appear to allege that the Advertisement discriminates or vilifies people on account of their religious beliefs, in particular those who follow the Hindu faith.

MLA submits that this interpretation is unfounded. In fact, the Advertisement celebrates religious diversity and does not promote any act of discrimination, prejudice or vilification. The Advertisement depicts a clearly fictional and humorous scene which unites various divinities, prophets and icons at a dinner table. The guests at the dinner table are clearly intended to be symbolic of modern day people who follow different faiths such as Christianity, Hinduism, Scientology and "no religion" in the case of the dinner party host.

The Advertisement portrays that, while there are many topics upon which different religions diverge, maybe lamb can bring everyone together.

In creating the Advertisement, MLA undertook appropriate research and consulted with two external experts in the field of multi-faith religious studies from Australian Universities. Feedback from those experts was taken into account at various stages during the creative process and in finalising the Advertisement.

We note some complainants have suggested that the Advertisement is offensive to Hindus because it associates Ganesh (and therefore the Hindu faith) with eating lamb or drinking alcohol.

In this regard:

- our understanding is that the Hindu faith does not forbid meat eating and that, while many Hindus abstain from eating beef (given the sacred nature of the cow to the faith), lamb is not similarly characterised.*

- we acknowledge that many Hindus may nevertheless choose to abstain from eating any form of meat, however our understanding is that it is not a central tenet of the faith (contrasted with, for example, the Muslim faith and alcohol).*

- we note that Ganesh is not shown eating lamb or drinking alcohol at any point in the advertisement.*

- we were informed that the actor who played the role of Ganesh was a practising Hindu man.*

Whilst some members of the Hindu community may have taken offence to the depiction of Ganesh at a table with other gods (including those that are eating meat and drinking alcohol), the underlying message of the Advertisement is that lamb (unlike other meats) is something that can be enjoyed as a matter of choice by people of various religions. We respectfully submit that any offence which has been taken is not the result of any contravention of the

Code.

In addition, we note that:

- some complainants have suggested that the Advertisement is offensive to Christians because it depicts Jesus in a "low/careless manner" and it mocks one of his miracles by portraying Jesus as converting wine into water (referred in the Advertisement as the "reverse miracle"). MLA submits that this is clearly intended to be a humorous tongue in cheek reference to the first miracle attributed to Jesus whereby he turns water into wine. Importantly, the scene does not portray Jesus in a negative light or suggest that any of his "miracles" are trivial.
- some complainants have suggested that the statement "shall we address the elephant in the room?" (referring to the elephant headed god, Ganesh) is offensive to Hindus. Again, MLA respectively submits that this is clearly intended to be a humorous reference to Ganesh as well as a tongue in cheek reference to the fact that some topics (including, potentially, religion) are not discussed at dinner parties.

Importantly, the Code does not prohibit the use of religious concepts in advertising. Rather, it proscribes rules regarding the portrayal of people or material that discriminates or vilifies a person or section of the community on account of religion. This is discussed in further detail below.

Discrimination

MLA submits that the Advertisement clearly does not discriminate against any particular religious group.

There is nothing in the Advertisement that reveals inequity, bigotry, intolerance towards or unfair treatment of any religious group. All of the guests at the table are depicted poking fun at each other in a manner consistent with what a group of friends might do at a social gathering, with no particular person being treated more or less favourably than a person with another religious belief.

In MLA's view, the Advertisement does quite the opposite to discrimination and conveys a message of inclusiveness and acceptance of all religions.

Vilification

In MLA's opinion, the advert does not humiliate, intimidate, incite hatred towards, contempt for or ridicule any particular religious group and therefore does not reach the threshold required for vilification under section 2.1 of the Code.

The friendly, tongue in cheek comment made by the BBQ host that "it's a nightmare catering for you lot with all your dietary requirements" openly acknowledges that different religious groups have different beliefs when it comes to diet.

The Advertisement by no means treats Hindus or any other religious group unfavourably or seeks to ridicule such members of society or any aspect of their faith. We submit that the reasonable viewer (whether religious or not) will not perceive the Advertisement as humiliating or ridiculing any particular religious group, and will appreciate both the

contextual humour and the fact that the various gods are symbolic representations of particular religious faiths.

Further, the depiction of both Buddha and Ganesh at the dinner table enjoying a meal with other "gods" does not, in our view, amount to vilification of people who belong to the Buddhist or Hindu faiths. While some members of those religions choose to follow a vegetarian diet, meat eating is not expressly prohibited by those faiths and many adherents to these faiths may eat meat (including lamb). Most importantly, a scene depicting them sitting together with meat eaters does not, in our view, vilify members of those faiths on account of their religion.

Historically, the ASB has considered advertisements that make light of religious concepts. In those cases, the ASB has considered that "irreverent, light-hearted use of religious concepts is generally not in breach of the Code, even though the Board accepts that some members of the public are likely to be offended by such use".

Unlike other cases in which the ASB has upheld complaints on the basis of religious vilification (e.g. 0126/17, 0359/12), MLA subjects that this Advertisement does not demean or trivialise any important religious events or aspects of the Hindu, Christian or Jewish faiths (or any other faith for that matter).

The Advertisement is clearly fictional and symbolic, with each of the depicted characters representing a specific religion. It depicts the bringing together of various gods and religious icons in an inclusive way with no particular disparagement against (or favour to) one God or icon. In this regard, the Advertisement is analogous to the advertisement considered by the ASB in case 0140/10 which involved a TVC depicting Gods from Mount Olympus celebrating Easter with Ferrero chocolates. While some consumers took offence to the association of Easter with pagan gods, the ASB noted that the advertisement depicted the bringing together of a number of concepts "in such a way that there was no particular disparagement of [any concept]" and that while some people might find the advert offensive, "most people would not consider it inappropriate" in Australia's multicultural and pluralist society.

Having reviewed the ASB's previous determinations and the ASB's March 2009 research report on discrimination and vilification in advertising, it is MLA's view that:

- while some consumers may take offence to the association of their faith with lamb because of their personal interpretation of that faith, there is nothing in the Advertisement that is disparaging or demeaning of any religious group.*
- the threshold for a finding of vilification under section 2.1 of the Code is relatively high. It is not enough that some members of the community may consider aspects of the Advertisement to be contrary to their personal beliefs, offensive or in poor taste.*
- any reasonable viewer would recognise that the Advertisement uses humour to promote a social message of inclusion and does not vilify anyone, including members of the Hindu community.*

For these reasons, the Advertisements should not be considered to portray discrimination or vilification on account of religion or any other social value. We therefore submit that Section 2.1 of the Code has not been breached.

For completeness, we further submit that the Advertisement complies with Section 2 of the Code in its entirety. Below is a short summary of our submissions regarding the remaining provisions of Section 2 of the Code.

Section reference Section extract Why relevant / not relevant to the Spring Lamb campaign

2.2 Advertising or Marketing Communications shall not employ sexual appeal:

(a) where images of Minors, or people who appear to be Minors, are used; or

(b) in a manner which is exploitative and degrading of any individual or group of people. The Advertisement does not employ sexual appeal. There is a subtle implied use of an online dating application by the pagan God Zeus which is not exploitative or degrading of any individual or group of people.

2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised. The Advertisement does not present or portray violence in any way whatsoever.

2.4 Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience. The Advertisement does not make any reference to sex, sexuality or nudity. There are very subtle references to online dating applications with appropriate sensitivity.

2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided. The Advertisement does not feature any strong or obscene language, or any other language that is problematic for the purposes of section 2.5.

2.6 Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety. The Advertisement does not depict any material that is problematic for the purposes of section 2.6.

2.7 Advertising or Marketing Communications shall be clearly distinguishable as such to the relevant audience. Any reasonable viewer will have no doubt as to the advertising nature of this content (in respect of lamb).

Conclusion

In view of the above, we consider the complaints should not be upheld. MLA continues to take its responsibilities as an advertiser, and compliance with the Code, very seriously.

Thank you for taking the time to consider our response. We look forward to receiving the ASB's determination in this matter.

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 depiction of the Hindu God, Lord Ganesha, is highly offensive to Hindus because this God would not take part in such a social gathering and as a vegetarian it is inappropriate to suggest that Ganesha would eat lamb.

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

The Board noted this two minute Facebook advertisement features a group of various divinities, prophets and icons seated around a table enjoying a meal together.

The Board noted the AANA Code of Ethics Practice Note which, in relation to Section 2.1, defines:

'Discrimination - 'unfair or less favourable treatment;

Vilification - humiliates, intimidates, incites hatred, contempt or ridicule.'

The Board noted that in order to find a breach of section 2.1 it would need to determine that the advertisement depicted material in a manner that was unfair or less favourable or humiliating or inciting ridicule, because of, in this case, religion.

The Board also noted the Community Perceptions Research (2007 and 2012) which was commissioned to test the Board's alignment with community standards with regards to its determinations against the Code of Ethics (https://adstandards.com.au/sites/default/files/community_perceptions_report_2012.pdf). The Board noted the findings of this research indicated that the community is less conservative than the Board regarding issues relating to Discrimination and this appears to be the case particularly with regards to the use of racial or religious references in a humorous context.

The Board noted that religious figures, references and music have been used in advertisements previously and that in the Board's view the use of such a figure or reference in conjunction with the sale or promotion of a product is not of itself a breach of Section 2.1 as, in the Board's view, such use is not of itself unfair or inciting ridicule of people of that religion, even though such use may offend some members of the community (0178/14).

The Board noted the depiction of characters representing gods, religious figures and other well know figures taking part in a communal meal with other Gods, deities, and leaders. The Board noted the advertiser's response that the advertisement celebrates religious diversity and that the dinner guests depicted in the advertisement are intended to be symbolic of modern day people who follow different, or no, faiths.

The Board noted the communal meal setting and agreed that it is an unusual depiction of a range of characters intended to represent deities. In the Board's view this depiction is one that is inclusive and does not, in its depiction, provide any one character with less favourable or

unfair treatment by virtue of being in the group, nor is the depiction of the group done in a manner that subjects any one character to humiliation, intimidation hatred or ridicule by virtue only of being part of the group meal. The Board therefore determined that a depiction of a group of characters representing god and other religious, spiritual and iconic figures eating a meal together is not a breach of Section 2.1 on account of religion.

The Board then considered the way in which the advertisement depicts particular characters.

The Board noted the complainants' concerns that the depiction of the Hindu God, Lord Ganesha, is highly offensive to Hindus because this God would not take part in such a social gathering and as a vegetarian it is inappropriate to suggest that Ganesha would eat lamb.

The Board noted that according to Hindu religion Lord Ganesha is vegetarian (<https://www.boldsky.com/yoga-spirituality/faith-mysticism/2012/lord-ganesha-loves-030888.html>) but considered that in the advertisement we do not see him consume lamb or any other meat. The Board noted the complainants' concerns that by depicting Lord Ganesha at a meal which is celebrating lamb and where the toast is, "the meat we can all eat" the advertisement is disrespectful to Hindus as it trivialises their God's dietary requirements and beliefs.

The Board noted the advertiser's submission that the advertisement depicts a clearly fictional and humorous scene and that the guests at the dinner table are intended to be symbolic of people who follow different faiths or no religion.

A minority of the Board considered that the current advertisement makes a very strong association between a characteristic of an important religious figure and a product, lamb, that is contrary to those beliefs. The minority of the Board noted that it had previously upheld a complaint about a radio advertisement which used music similar to the Muslim call to prayer to promote alcohol (0359/13) where:

"The Board considered that a strong association between a fundamental religious belief and a product that is contrary to that belief is disrespectful and offensive to the Muslim community. The Board agreed that to promote alcohol in connection with a prayer tradition was a depiction of material that vilified a section of the community, on the basis of their religion and that the advertisement did breach Section 2.1 of the Code."

The minority of the Board noted that the hostess acknowledges that catering to the varying dietary requirements of her guests is difficult and considered that her subsequent toast suggesting that lamb is the meat they can all eat suggests that she is either ignoring the dietary requirements of Lord Ganesha, and the Buddhist monk who would also be vegetarian, or that she is dismissing their requirements as of no importance. The minority of the Board considered that the advertisement presents Lord Ganesha as a lamb eater and that this undermines an important characteristic of this God, and that this is therefore less favourable treatment given to the Hindu deity. The minority of the Board considered that this treatment of Lord Ganesh is therefore a depiction of a person in a manner that discriminates against or vilifies him, because of his characteristic of not eating meat and therefore is discriminatory to the Hindu section of the community, on the basis of religion. The minority of the Board considered that the advertisement breaches Section 2.1 of the Code.

Following considerable discussion the majority of the Board considered that the overall tone

of the advertisement is light-hearted and humorous and in their view the intent is to be inclusive in a manner which promotes a harmonious and multi-faith environment.

The Board noted that the 2016 Census reports that Hindu is the tenth most prevalent religion in Australia and that people of Indian descent are also the fifth largest group in Australia. The Board considered that the Indian population and those of Hindu religion are not a disadvantaged or minority population for the consideration of whether or not material is vilifying.

The Board noted that while many Hindus are vegetarian, vegetarianism is not a requirement of this faith. The majority of the Board considered that the depiction of Lord Ganesha is, as the advertiser suggests, simply symbolic of the Hindu faith and his inclusion is part of the message of an inclusive multi-faith meal.

The majority noted that Lord Ganesha is not shown to consume any meat during the advertisement. The majority of the Board also noted that Lord Ganesha does not drink alcohol and considered that the advertiser had taken care to show him toasting with a glass of water. The majority of the Board noted that at the end of the advertisement Lord Ganesha states that they should get together more often and considered that he is depicted as happy and in control of the situation and that whilst he may not be consuming the lamb he is part of the gathering and enjoying the company of those with different beliefs who do eat lamb. The Board noted that Buddha asks if they should “address the elephant in the room” and considered that the manner in which this statement is made is clearly in the context of a joke and in the Board’s view Lord Ganesha answers in an assertive manner suggestive of his complicity in the light-hearted nature of this comment.

The majority of the Board considered that the depiction of Lord Ganesha was overall a positive and depiction and that his inclusion in a scene that might suggest he can eat meat is not less favourable than the manner in which the other religions are also depicted. For example the Board noted that the overall tone is humorous in relation to the depiction of many of the other figures— particularly Jesus, Zeus and L Ron Hubbard. The majority of the Board also considered that the depiction of Lord Ganesha in a meat eating context, when there is no depiction of him eating meat, is not of itself treatment that is likely to incite ridicule or to people of the Hindu faith. In the Board’s view the depiction of Lord Ganesha in the context of this advertisement is not unfair or less favourable due to his religion and is not vilifying of the Hindu faith.

The majority of the Board considered that the depiction of Lord Ganesha was not a depiction that is unfair or less favourable, or that would be humiliating or inciting contempt or ridicule. The majority of the Board considered that the overall context is light hearted.

The majority of the Board acknowledged that some members of the community would find the advertisement to be offensive to Hindus, Buddhists, and those who do not eat lamb for religious or other reasons but considered that the actual content does not discriminate against or vilify a person or section of the community on account of their religion.

The Board noted the depiction of Jesus in the advertisement. The Board considered that the use of Jesus in an advertisement is not of itself a breach of Section 2.1 (0448/07, 0079/12, 0178/14) and that it has previously considered advertisements which make light of religious concepts. In those other cases the Board has considered that irreverent, light-hearted use of

religious concepts is generally not in breach of the Code - even though the Board accepts that some members of the public are likely to be offended by such use – rather the Board has generally found humorous representations of Christian beliefs not to breach Section 2.1 (for example a depiction of a Christ-like figure surfing, 0159/11) unless such depictions are undermining of central tenets of a particular faith.

The Board noted it had previously dismissed an advertisement which featured a character of Jesus apparently performing a miracle by appearing to walk on water (0079/12). In that instance:

“...the Board noted that the Christian faith is well established and accepted in Australian society and that many well-known elements are now used as general references, for example, “walking on water?” to describe the achievements and success of particular people.”

The Board considered that in the current advertisement the depiction of Jesus turning wine in to water and referring to a ‘reverse miracle’ is supportive of the Christian belief that Jesus did perform miracles and in the Board’s view this depiction of a miracle is positive especially in the light of supporting someone who is not drinking alcohol as they are the designated driver. The Board noted that Jesus does appear proud of what he has done and considered that while some people could interpret his behaviour as being a show-off, in the Board’s view Jesus is not depicted in a negative light or in a manner designed to make a person think less of Jesus.

Overall the Board considered that the imagery depicted in the advertisement, including images of Jesus making a joke about God, performing a ‘reverse miracle’ and generally being depicted as the slightly annoying most popular ‘god’, and the association of lamb consumption with Christianity does not denigrate Christianity or Christians and would be seen by most people as a humorous depiction and reference to key Christian figures and a humorous play on well-known biblical stories with no reflection on the beliefs underpinning any of the scenes (0079/12).

The Board noted the reference to Mohammed being unable to attend. The Board considered that whilst the prophet Mohammed is not depicted because it is forbidden in Islam, the advertisement still tries to include Mohammed by making a verbal reference to him. The Board considered that the suggestion that Mohammed is collecting a child/children from day care is not offensive to Muslims and does not discriminate against or vilify followers of Islam.

The Board noted that the hostess of the meal declares herself as having no religion. The Board noted that the hostess does not make any comment about religion or religious beliefs other than stating a statistic that ‘no religion’ is a growing percentage of people in Australia based on census data. The Board considered that having an atheist hosting a party of religious guests is suggestive of inclusion and tolerance rather than having no religion being better or preferable to having religious beliefs. The Board considered that the inclusion of a person of no religion was incorporated in a manner that made no suggestion that this is preferred over religion and in the Board’s view was not disparaging of religion.

The Board noted the toast given in the advertisement, ‘the meat we can all eat’. The Board noted that the hostess says lamb can be eaten, not that it shall or should be eaten and considered that there is no suggestion that everyone should eat lamb or that those who do not or cannot eat lamb, for whatever reason, should be thought less of. The Board considered that in the context of an advertisement promoting the consumption of lamb, the phrase ‘the

meat we can all eat' is not inappropriate or discriminatory to those who don't or can't eat lamb.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted that Aphrodite is the Greek goddess of love and considered that the depiction of her phone receiving numerous messages, and subsequently Zeus asking how to sign up to whatever site she uses, is a playful reference to her status. The Board noted that after being connect to a dating app on his mobile phone by Aphrodite, Zeus receives an image of an eggplant and asks his fellow guests what it means. The Board noted that the eggplant emoji can be used in reference to male genitalia (<http://www.urbandictionary.com/define.php?term=eggplant%20emoji>) and considered that whilst we see some of the guests laugh when Zeus asks what it means, in the Board's view the lack of context means that this reference is mild and overall there is no undue focus on this particular scene.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience of a G rated advertisement.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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