



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0480/18</b>
2	<b>Advertiser</b>	<b>Gifting Life</b>
3	<b>Product</b>	<b>Community Awareness</b>
4	<b>Type of Advertisement / media</b>	<b>Internet</b>
5	<b>Date of Determination</b>	<b>14/11/2018</b>
6	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Religion

## DESCRIPTION OF THE ADVERTISEMENT

This advertisement begins with the figure of Jesus on a cross. Two soldiers approach him and ask if he has considered becoming an organ donor, and discuss with Jesus the benefits of organ donation. Jesus responds that he would like to be an organ donor, and the soldiers proceed to inform Jesus of the steps to register as a donor.

Jesus signs the donor register using a provided smart phone. The soldiers then inform Jesus that his family needs to be on board with his decision, to Jesus' surprise. Jesus' parents, Mary and Joseph, appear and Jesus tells them of his decision. The soldiers take a selfie with Jesus and quote several 'organ donor support' hashtags.

## THE COMPLAINT

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

*The producers of this ad campaign have used blasphemous material. They have denigrated the death of Christ on the cross. This ad is extremely offensive to Christians and as such is discriminatory against them on the basis of their faith. It denigrates*





*their faith and hence denigrates those who hold that Jesus Christ is God's son. It is disparaging, discriminatory and denigrates the death of Christ to the level of gutter humour. In an age of tolerance this blasphemous ad should not be allowed to be aired on any format.*

*For Christians, Jesus' death on the cross is sacred. Jesus differed on the cross - it is not a matter to joke about or make light of. This advertisement, while laudable in its aims, is absolutely disrespectful of the beliefs of Christians and of the suffering and death of Jesus.*

*As a christian this is extremely offensive. Jesus' crucifixion should not be used as a comical opportunity to advertise or promote a need by the company behind the advert. This would never be allowed to be aired if it was using Mohammed's dead but yet it appears that it is socially acceptable to ridicule and exploit Christians beliefs. Absolutely appalling!*

*As a Christian with disability and a life threatening disease i have been VILLIFIED AND REPULSED BY THIS SO CALLED COMEDY OF DYING PEOPLE needing organs for transplant. This Advert in no way shows any love or respect to organ Donours and no respect to Organ Recipients whatsoever. The Advert has distressed and put me up for serious ridicule and villification within my community. It has undertones of evil depicting Christians only as not doing enough for the dying.*

*Please note I WAS AN ORGAN DONOUR UNTIL I WAS UNABLE TO GET URGENT MEDICAL TREATMENT FOR A BLOOD CLOT IN MY LEG AT MY LOCAL HOSPITAL 40 KMS AWAY. HAD DRIVE 220 KMS for urgent help.*

*I remove myself from the Organ Donor Registry in August not to find myself VILLIFIED AND DISTRESSED BY THIS UNLOVING EVIL ADVERT.*

*As a practicing, devout Roman Catholic family we have found both the content and the depicting of Our Holy Redeemer to be both sacrilegious and insulting to our Faith. In fact, we were disgusted by this advert TOTALLY. We ask that this advert be removed.*

## **THE ADVERTISER'S RESPONSE**

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

### **BACKGROUND:**

*Gifting Life Pty Ltd ('the Producer') is the Producer of a feature length documentary film titled 'Dying to Live' which has been released publicly in cinemas around Australia, through Demand Film and Madman Entertainment, as of October 22, 2018. The film has also enjoyed significant success on the film festival circuit with screenings in Melbourne, Sydney, Brisbane and Perth.*



*As the Producer, we have also privately and independently produced a short film (the 'Short') to:*

- a.) Promote the feature length documentary's release;*
- b.) Raise discussion and awareness for the important topic of organ donation; and*
- c.) Assist in educating the public with key facts and figures surrounding the organ donor registration process, and the national public challenge that exists around organ supply and demand.*

*The Short was released online through our Facebook and Youtube Channels, as well as through key media outlets, on Monday 15th October, 2018.*

*We would like to note that the Short has never been intended for advertising slots on broadcast television, and only ever intended for online distribution. We have no plans to release it in other forms of media.*

#### **DESCRIPTION OF THE IMPACT SHORT:**

*The Short starts with the figure of Jesus on a cross. Two soldiers approach him and ask if he has considered becoming an organ donor, and discuss with Jesus the benefits of organ donation. Jesus responds that he would like to be an organ donor, and the soldiers proceed to inform Jesus of the steps to register as a donor.*

*Jesus signs the donor register using a provided smart phone. The soldiers then inform Jesus that his family needs to be on board with his decision, to Jesus' surprise. Jesus' parents, Mary and Joseph, appear and Jesus tells them of his decision. The soldiers take a selfie with Jesus and quote several 'organ donor support' hashtags.*

#### **SECTION OF THE AANA CODE OF ETHICS RELEVANT TO CONSUMER CONCERNS**

*The Section of the AANA Code of Ethics quoted in consumer concerns is Section 2.1 as follows:*

*2.1 Advertising or Marketing Communication 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.*

#### **CONCERNS RECEIVED BY THE PRODUCER UNDER THE CODE**

*The concerns that we have received are collated and summarised as follows:*

- 1. A general concern that the humorous nature of the Short is not commensurate with*



*the serious nature of organ donation, and is therefore disrespectful to donor families, trivialising their selfless decision to donate the organs of their loved ones; and*

*2. A general concern that the Short is offensive to the Christian faith and/or to Christians due to the following provided reasons:*

*a. The Short trivialises the death of Christ and is therefore unfavourable to the narrative of Jesus' having saved his followers from death through his offering of eternal life;*

*b. The Short makes light of an event deemed sacred to the Christian faith, and could erode the reverence due to the God of the Bible and his son Jesus Christ;*

*c. Jesus would not donate his organs as he was raised the third day and would need them;*

*d. Jesus would not encourage others to donate their organs;*

*e. The Short is an act of online bullying against Christians; and*

*f. The use of humour in depicting another human dying a terrible death is offensive to the community.*

#### *PRODUCERS' RESPONSE*

*We have made the Short with the goal of supporting the important cause of organ donation awareness.*

*We have received a high level of feedback around the Short both online through our @DyingToLiveDoco Facebook page, and offline through our website contact page and also directly by email. This feedback has been overwhelmingly positive and prompted much positive discussion, however we appreciate and thank all members of the public for their responses, including those that have taken the time to offer the aforementioned concerns around the tone and content of the Short.*

*We respond to consumer concerns as follows:*

*1. A general concern that the humorous nature of the Short is not commensurate with the serious nature of organ donation, and is therefore disrespectful to donor families, trivialising their selfless decision to donate the organs of their loved ones:*

#### *RESPONSE:*

*We acknowledge that some members of the community, including donor families, may find the Short insensitive in tone to the difficult decisions made by donor families surrounding organ donation, and thank those who have taken the time to express such concern. Along with such concern, we have received a large amount of positive feedback including from donor families, recipients and senior members of the Christian community.*

*We believe the approach of using humour in the Short to be effective in reaching and*



*engaging a large number of people, with the Short having reached an estimated half a million people in the two weeks since it's release, with most of these watching the Short in its entirety, and with over 90% reacting positively on social media.*

*Importantly, the Short has been effective in engaging the intended demographic of 18-55 year old males, who are traditionally under-represented on the National Organ Donor Register. Notably, we have received numerous reports of donor sign ups as a direct result of the Short's online distribution and we continue to monitor these results.*

*Our intention was not to offend any members of the community, but to highlight the important issue of donation in a way that raises discussion and debate around it nationally and within this key demographic. We have great respect for donor families, donor recipients, the medical community and the incredible work they have been involved in, and regret that some have felt the Short is disrespectful to their stories and efforts to promote donation.*

*To these members of the community, we express our desire to continue working closely with you to support the cause of organ donation through both their wonderful efforts, and through the release of our heart-warming and touching feature length documentary film 'Dying to Live', which follows the emotional stories of donor families and those on the organ waiting list.*

*2. A general concern that the Short is offensive to the Christian faith and to Christians due to the following provided reasons:*

- a. The Short trivialises the death of Christ and is therefore unfavourable to the narrative of Jesus' having saved his followers from death through his offering of eternal life;*
- b. The Short makes light of an event deemed sacred to the Christian faith, and could erode the reverence due to the God of the Bible and his son Jesus Christ;*
- c. Jesus would not donate his organs as he was raised the third day and would need them;*
- d. Jesus would not encourage others to donate their organs;*
- e. The Short is an act of online bullying against Christians; and*
- f. The use of humour in depicting another human dying a terrible death is offensive to the community.*

*RESPONSE (to 2. a, b, c, and d above)*

*We acknowledge that some members of the community, including some members of the Christian faith, may find the Short offensive, and thank those who have taken the time to express such concern.*

*We have chosen within the Short to use the figure of Jesus Christ and the event of his crucifixion in the narrative surrounding his life for the following reasons:*



- a. Jesus Christ is widely respected as a figure who is selfless, which mirrors the selfless act of both donors and their families who make the amazing and inspiring decision to donate organs in a difficult time;*
- b. Jesus Christ as a figure, and the narrative of his story, is widely known, respected and instantly recognisable to the entire community, aiding in community understanding of the context of his selfless act; and*
- c. Jesus Christ epitomises the act of giving a life to save the lives of others. As such, this is highly representative of the act of organ donation and the positive effects it has on others.*

*We recognise that the crucifixion of Jesus Christ is deemed by many to be a sacred event of reverence, however also respect and acknowledge that there exists a range of views in the community around the appropriateness and acceptability of imagery and depictions of the event, both in literal and satirical treatment, from both those of the Christian faith and those who are not.*

*Some will consider such depictions in any form to be offensive to the Christian faith, while others greatly support the underlying message and the use of Jesus' act of selflessness to highlight the act of others in the community that choose to donate organs, and to highlight the positive aspects of their faith.*

*We do not personally believe the Short trivialises the Christian faith, but that it highlights the positive message within it of Jesus' act of giving life, and that with this exists a strong parallel to that effect of the important message we are promoting around donation. We also believe in and respect the right of the community to express their range of views around this in an open forum, and support the continued availability of the Short online to respect and allow this.*

*It has been suggested that Jesus Christ would not donate his organs due to his need for them, having raised again on the third day, and that the Short is therefore offensive. It has also been suggested that Jesus would not encourage others to donate their organs and there is therefore factual inaccuracy around such depiction.*

*We feel this to be outside the scope of our work and therefore not appropriate for us to respond on these two points as they pertain to individual beliefs around the Christian faith and various scriptures. We do however support the community's right to have and express a range of views around these points in an open forum.*

*RESPONSE (to 2. e above)*

*It has been suggested that the Short is an act of online bullying against Christians. We would like to express that the intention of the Short in no way is to vilify, bully or make light of Christians or those of the Christian faith and we are not of the belief that there*



*is basis for this allegation.*

*Our sole intention with the Short is to promote the issue of organ donation, and the film 'Dying to Live', which follows the emotional stories of donor families and also those on the organ waiting list.*

*RESPONSE (to 2. f above)*

*It has been suggested that the use of humour in depicting another human dying a terrible death is offensive to the community.*

*The reality is that demand for organs in Australia is far more than the available supply, and very few people die in the circumstances where they could donate. Over 90% of the country supports donation, but only 36% are registered as donors and less have had the important conversation with their families that is necessary to increase the statistics of donations that proceed to save and change the lives of others.*

*We believe humour to at times be an effective tool in 'cutting through' a lack of understanding surrounding important issues, and engaging members of the community with the topic of organ donation. The use of satirical humour often resonates well, particularly with key demographics, and engages them with issues that are otherwise extremely difficult to highlight.*

*While we respect the views of some that such treatment in the context of death is in general offensive, we acknowledge also the presence of humour around issues of death through art, media and other forms as an important and widely accepted aspect of cultural expression and identity in Australia and overseas.*

*SUMMARY:*

*As the Producers of the Short, we sincerely thank all members of the community for taking the time to express their concerns, their support and their thoughts. We also thank you for your engagement with the important topic of organ donation.*

*We support fully the right of all members of the community to express their views around the Short, in the context of both religious freedom and open debate around community issues.*

*In summary, we consider the serious topic of increased organ donation is an important matter of public interest for the health of Australians, which the evidence suggests should be more widely discussed if there is to be improvement. While the content of the Short is intended to raise awareness of this important topic, the producers have been sensitive, to the extent reasonably possible, to ensure that the content does not alienate or offend the audience.*



*As such, we do not believe the Short is in contravention to the guidelines of Section 2.1 of the AANA Code of Ethics or the Code of Ethics generally, and support the continued availability of the Short online through our online platforms and across social media.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is offensive to Christians as it mocks a religious event, is ridiculing of the death of Jesus and his pain, and is blasphemous of and disrespectful to Christian beliefs.

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

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted this two minute internet advertisement features a depiction of Jesus on the cross, as two soldiers discuss organ donation with him and then go on to have him sign up on a smartphone, speak to his parents, and finally take a 'selfie' with him.

The Panel 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 of a person or section of the community, because of, in this case, religion.

The Panel 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 Panel has considered that irreverent, light-hearted use of religious concepts is generally not in breach of the Code - even though the Panel accepts that some members of the public are likely to be offended by such use. Rather the Panel 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; Jesus walking on water, 0079/12; the Last Supper, 0178/14) unless such depictions are undermining of central tenets of a particular faith.

The Panel noted complainants' concerns about the depiction of Jesus on the cross, which is considered by many members of the community to be cornerstone of Christian faith. The Panel noted that the 2016 Census reports that 52% of Australians identify as Christian.

The Panel noted the view of the Independent Reviewer in case 0412/17 where the Independent Reviewer asked the Panel to reconsider a decision regarding religious vilification on the basis that "the Board failed to give adequate consideration to the views expressed by complainants and this amounts to a substantial flaw in the Board's consideration – specifically a substantial flaw by failing to give adequate weight to the personal nature and effect of the comment which ridiculed a revered feature of a prominent deity of the Hindu faith for no apparent purpose."

The Panel considered that the advertisement depicts scenes of Jesus on the cross, and of soldiers approaching him to ask him to register to donate his organs. The Panel noted the scene depicts Jesus attached to the cross with nails through his wrists, and the depiction of the soldiers' attaching a smartphone to a spear and raising it up to Jesus so he can use his finger to register on the website. The Panel also noted the soldier's comment of "stretch that little finger", and the final scene in the advertisement in which the soldiers request to take a 'selfie' with Jesus and then suggest hashtags, including the phrase "nailed it" spoken by one of the soldiers.

The Panel noted that organ donation is a positive, altruistic service and associating it with Jesus is intended to convey the message that people should sign up to organ donation because it is something Jesus would do, i.e. the right and moral thing to do.

The minority of the Panel noted that, similar to the depiction of Ganesha in 0412/17, Jesus is depicted as happy to help others and sign the organ donor registry, and although he appears slightly bemused with the soldiers and their conversation, he is not depicted as appearing to feel harassed or bullied into signing the registry.

The minority considered that organ donation is consistent with a Christian message of doing good deeds to help other people, and that the advertisement is playing on the concept of Jesus being a good person. The minority of the Panel considered that although the advertisement is using humour in its depiction of Jesus' crucifixion it is not done in a way which is denigrating towards Jesus or Christianity as a whole and is not encouraging the ridiculing or humiliation of Jesus or Christianity as a whole.

The majority of the Panel noted that the advertisement depicts an event which is one of the most significant events of the Christian religion. The majority noted that there



is similarity to the film “Monty Python’s Life of Brian” and also noted that the advertisement is intending to show the selfless nature of Jesus in the context of organ donation.

The majority of the Panel considered that the depiction of Jesus ignores, or makes light, of the suffering of Jesus in being nailed to the cross, and that Jesus died as a result of the crucifixion. In particular the majority of the Panel noted the depiction of taking ‘selfies’ with Jesus in conjunction with the phrase “nailed it” and considered the reference to “stretch that little finger” to be making light of the physical limitation of having his hands nailed to the cross. The Panel also noted scenes showing Jesus speaking to his parents about organ donation and considered that these scenes depict his parents as being unconcerned about their son being crucified.

The majority of the Panel considered that many people of the Christian faith would be likely to be offended or upset by the images and humour, in particular as the depictions exceeded what most members of the community would consider to be appropriate humour and that the depictions would be considered to be insensitive and derisive of the pain and suffering that Jesus endured.

The Panel recognised the irreverence of Australian humour. However, the Panel considered that the advertiser had given inadequate consideration to how seriously some Australians take their religious views – and did not pay due attention to the level of offence about something important to those people. The majority of the Panel considered that this advertisement’s depiction of a central tenet of the Christian religion in a satirical manner was likely to cause ridicule of Jesus and by extension some followers of the Christian faith.

The Panel noted that the advertisement plays on the concept of ‘What would Jesus do?’ and is promoting an important community message, to inform the community about organ donation. However following considerable discussion, the Panel considered that this depiction of Jesus on the cross was not merely use of a traditional religious image in an unusual context or irreverent manner, but rather the depiction amounted to a disparaging take on an important religious belief. In this instance the Panel considered that the demeaning take on an important Christian belief did amount to vilification of Christians and the Christian religion.

The Panel determined that the advertisement breached Section 2.1 of the Code.

The Panel noted some complainants’ concern that a government body authorised the advertisement. The Panel noted that the advertiser was not relevant to the consideration of whether an advertisement depicted material which breached the Code, however noted that the advertisement was produced by a private company and not a government body or Organ Donation Australia.



The Panel noted some complainants' concerns about the reaction to the advertisement if it had depicted aspects of Muslim or Islam faith. The Panel considered that its role is to consider each advertisement on its own merit and that addressing hypothetical alternatives is not part of its role.

Lastly, the Panel noted some complainants' concerns that Jesus could not donate his organs because he rose again. The Panel considered that such matters relating to the factual accuracy of specific details of Christianity were not within the charter of the Panel.

Finding that the advertisement did breach Section 2.1 of the Code, the Panel upheld the complaints.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

We would like to thank the Panel for their consideration and review of the community concerns with regard to the Short Film that was made about organ donation. We would further like to thank those in the community who offered their thoughts both positive and concerned, we sincerely appreciate your time and effort to do so.

We appreciate that in the making of this film, we have unintentionally caused concern to some people of the Christian faith. We also acknowledge that we have received a large amount of positive feedback from people in the Christian community including prominent faith leaders, and over 90% positive responses across Facebook from 110,000 views. We feel there is a need to balance negative responses with those that are also positive.

We apologise to those that we may have offended in the making of this film, it was never our intention. We wanted to reach a new audience by creating a light-hearted and well-meaning film to educate about an incredibly important topic of which many Australians are currently misinformed.

We are pleased to inform that since the Short Film became public, there has been a notable increase in donor registrations that appears related to the film. This was our sole intention.

In response to a couple of notes within the Panel's determination, we would like to explain that the context of the film is not a commentary on the crucifixion of Jesus, nor a judgement or opinion on one's religious beliefs, but instead it is about the positive message of organ donation, utilising a revered figure known for being selfless and gifting life. The same selflessness shown by all Australians who are registered as organ donors. Jesus' parents appear in the film purely to emphasise the message that organ donation cannot occur without the consent of your loved ones.

In receiving notes of concern, a member of our production team personally reached out to some complainants individually to explain the true intention of this film. In



many of these cases, the conversation resulted in the complainant wishing the production team well with their wider campaign to improve the rate of organ donation in Australia. While we appreciate we can't contact everyone individually, it speaks to our personal connection with the wider, important topic and that we appreciate this film doesn't translate our intention to everyone. It would be impossible to do so.

Finally, we thank the community at large for engaging with this Short Film, for sharing it, for offering a range of thoughts and opinions, and most of all – for engaging with this very important issue of organ donation for the many who remain waiting for such an incredible gift of life.

We would like to advise that the Short Film will not be broadcast commercially (and never has been) and we do not intend to promote the Short Film further across our channels. We would like to add however that we are also engaging the Panel's process for Independent Review, and the Film will be offline from our website during this process as per the Panel's request.

Thank you,  
The Producers