



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0501/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Battery World</b>
<b>3</b>	<b>Product</b>	<b>Retail</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>04/01/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Religion

### DESCRIPTION OF THE ADVERTISEMENT

Cartoon advertisement which shows silhouette images of three men on camels delivering gold, frankincense and myrrh with the unseen recipient exclaiming that they have not remembered to bring batteries.

### THE COMPLAINT

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

*I am a Christian and as a result Christmas is one of the most holiest times of the year second only to Easter. To mock the holy birth of our Lord is an affront of the highest order.*

*Furthermore I find it as religious discrimination simply because if this was Passover or a Muslim holy day they would not dream of putting something like this on mocking the Israelites or the Prophet Mohammed I am certain.*

*This ad is an insult to everything I believe in and I feel very strongly that it needs to come off.*

*It is grossly offensive to the community who are Christian to use the Lord in such a manner.*

*There is a wealth of ideas that could be used in advertising without having to resort to this sort of thing. If this advertisement were to relate to something Muslim or Hindu it would cause outrage in the community as being politically incorrect and withdrawn immediately.*

*Having discussed this with my friends I ask you to have this advertisement removed immediately. Thank you.*

*I find the reference to Baby Jesus and the three wise men offensive - why did the company used Baby Jesus as the subject for the advertisement?*

*It would have been less offensive (and funnier) if Santa clause was used in the advertisement - I am convinced people would have associated the lack of batteries with toys that SANTA CLAUSE brought.*

*If the company wanted a "religious" spin why not use any other religion???*

*I would REALLY appreciate it if this advertisement could be removed from all media...*

## **THE ADVERTISER'S RESPONSE**

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

*No response received by Advertiser.*

## **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 as it mocks the birth of Jesus

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 ...religion..."

The Board noted that the advertisement depicts cartoon silhouettes of three people on camels who say "Gold" "Frankincense" and "Myrrh" in computer enhanced voices, and an unseen person replies, also in a computer enhanced voice, with "What!!! No batteries for the Christmas presents?"

The Board considered that the depiction of three men on camels delivering gifts to the baby Jesus could be considered offensive to some people with strong Christian beliefs. However the Board considered that the imagery depicted in the advertisement does not denigrate Christianity or Christians and would be seen by most people as a humorous play on a well known biblical story with no reflection on the beliefs underpinning the scene. The Board considered that the reference to 'no batteries' was a further humorous reference to a common Christmas Day situation of not having batteries for the new toy, which, in the Board's view, does not denigrate the beliefs around the birth of Jesus.

The Board determined that the advertisement did not discriminate against or vilify any section of the Community and 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.