



Case Report

1	Case Number	0507/16
2	Advertiser	Aldi Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	07/12/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Nationality
- 2.1 - Discrimination or Vilification Sexual preference

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement shows an American family dressed head to toe in Christmas attire running into a house throwing decorations and singing to the jingle of the iconic Christmas tune 'We Wish You a Merry Christmas', with different 'ALDI' lyrics. The Australian family go about their daily business whilst the intruding family 'The Tinkletons' pop up around the house whilst still singing. The ad resolves on both families sitting down together at the Christmas table enjoying a Christmas feast together.

THE COMPLAINT

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

This is highly offensive to any American. The Americans are portrayed as gaudy, pushy people who are 'weird' while the Australians are apparently the 'normal' ones wearing conventional clothing and neutral appearance. Why is it okay to target Americans and ridicule them because of their nationality? As an American I take offence at the way we are portrayed in commercials such as this - one of the few nationalities it is apparently okay to vilify. Clearly this ad is in breach of AANA 2.1 and I am requesting it be removed from broadcasting immediately.

I was personally offended by the content of the ad. Specifically the depiction of the overly camp acting moustachioed man. I am a gay man myself, and I like to think that society has come a long way in its perceptions toward same sex attracted individuals. I am proud of my

identity, and I recognise and support every individual's right to express themselves as they please. Everyone expresses themselves differently and every Australian deserves a fair go, so I really expect advertising agencies to treat my minority group with the same sensitivities they would with any other.

I firmly believe this ad used the depiction of a group that is still a minority and at times marginalised as a tool of satire. My sexuality is not a tool to be used to sell stuff, or make people laugh. Show some sensitivity.

I am concerned that the only time an identifiably gay individual is shown in popular Australian advertisements is when it is satirical. The ad is a travesty and is totally offensive. Would you allow an ad to be aired if it stereotyped black people or other minorities in the same way? I seriously doubt it.

The ad demonises an entire nationality and culture to attempt to sell groceries.

THE ADVERTISER'S RESPONSE

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

The complaints that we are responding to state that the advertisement is in breach of s 2.1 of the Code on the following grounds:

Discrimination or vilification - nationality

Discrimination or vilification - sexual preference

For the reasons set out below, ALDI considers that the advertisement complies fully with the AANA Code of Ethics (the Code).

Nationality

The complainants assert that the advertisement:

“presents Americans in a negative light, celebrating Christmas in an inferior way to Australian celebrations”, and “demonises an entire nationality and culture...” ; and

“is offensive to Americans [because] Americans are portrayed as gaudy, pushy people who are ‘weird’ while the Australians are apparently the ‘normal’ ones wearing conventional clothing and neutral appearance.”

As is clear from the description of the advertisement that we have set out above, and as will be apparent from a review of the enclosed copy of the advertisement, the advertisement does not present Americans as celebrating Christmas in an “inferior” way. It makes light of the fact that some northern hemisphere visitors consider that Australians celebrate Christmas in an inferior way. It is a misunderstanding of the advertisement to take from it the message is that Americans are inferior in any way to Australians.

Nor does ALDI consider that the advertisement could reasonably be taken to suggest that Americans are “gaudy, pushy people who are weird”. Rather, the American family are portrayed in a theatrical, exaggerated and “hammed up” fashion that could not reasonably be understood as a true-to-life portrayal of Americans, or anyone else for that matter.

The advertisement does not discriminate against Americans, nor does it vilify them.

Sexual preference

The complainant asserts that the advertisement portrays “an identifiably gay individual” in a satirical way, and that this is offensive to him as a gay man.

As is clear from the attached copy of the script - and the advertisement itself - the character who the complainant refers to is playing the husband of the mother of the three children. ALDI does not consider that the character is portrayed as an “identifiably gay individual”.

Further, the complaint appears to be directed to the theatrical nature of the performance, which the complainant suggests is “satirical”. However this characteristic is not confined to the character that the complainant refers to. Each of the other members of the American family (ie the wife, children and grandparents) are over acting, or “hamming it up”, in a similar way in line with the “over the top” theme of the advertisement.

The advertisement does not discriminate against homosexuals, nor does it vilify them.

Compliance with the Code

ALDI considers that the advertisement fully complies with the Code. As the Code of Ethics practice note makes clear, clause 2.1 of the Code is intended to prohibit advertisements that portray people of a particular race, nationality etc, or homosexuals, in a way that would be likely to humiliate or intimidate them, or incite hatred, contempt or ridicule towards them. The advertisement does none of these things.

Applying prevailing Australian community standards, the advertisement cannot be said to be in breach of clause 2.1 of the Code. It would very clearly not be in the interests of a company like ALDI to seek to vilify (nor to “demonise” or offend) a section of its own customer base.

For the sake of completeness, we have also considered the AANA Food and Beverages: Advertising and Marketing Communications Code, and consider that the advertisement also complies fully with this code.

If you require anything further or have any questions please do not hesitate in contacting me.

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 in its stereotypical depiction of both an American family and an overly camp acting man.

The Board reviewed 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 that this television advertisement features an American family turning up unexpectedly at an Australian family's home for Christmas and singing about how strange Australian Christmases are before realising that they like the Australian way of celebrating this time of year.

The Board noted the complainants' concerns that the American family are depicted in a stereotypical manner that is offensive and ridicules American people.

The Board noted that when the American family arrive unexpectedly they are presented in a manner which makes them appear pushy and not welcome and a minority of the Board considered that this depiction did present American people in a negative light which incited ridicule and was vilifying.

The majority of the Board however noted the light-hearted tone of the advertisement and considered that everyone is friends by the end of the advertisement and the overall impression given is that the American family have had their views on Australian Christmases changed. The majority of the Board noted that Americans are not a minority therefore there is not a power difference between the American family and the Australian family and considered that one family in an advertisement is not representative of all American people. The majority of the Board noted that while the American family's behaviour is stereotypical of a pushy family, in the Board's view there is no suggestion that all Americans would behave in this manner. The majority of the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their nationality.

The Board noted the complainant's concern over the depiction of a camp acting man. The Board noted the advertiser's response that the man the complainant refers to is clearly presented as the husband and father of 3 children and considered that his behaviour is over the top and exaggerated but not intended to be representative of a gay man.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their sexual preference.

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 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that in one scene we see a girl opening a dishwasher to find an American man lying on the bottom shelf, singing. The Board noted the girl's reaction is to quickly close the dishwasher door and considered that while the girl's action could be seen as violent in the Board's view the scene is very fleeting and the whole scene is clearly fantastical as it

would not be possible for an adult male to lie flat on his back on the bottom tray of a domestic dishwasher.

The Board acknowledged the health and safety concerns around children getting trapped inside white goods but considered that in this instance the depiction of a man in a dishwasher is unrealistic, very fleeting and extremely unlikely to encourage copycat behaviour.

The Board determined that the advertisement did not breach Section 2.3 of the Code.

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