



Case Report

1	Case Number	0522/17
2	Advertiser	Zagame Automotive Group
3	Product	Vehicle
4	Type of Advertisement / media	Print
5	Date of Determination	22/11/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Ethnicity

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features an image of an Alfa Romeo. The words at the top read: "Would an affair with a German be as exciting?"

THE COMPLAINT

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

*This ad suggests, by implication, that Germans are dull and boring.
Any negative generalisation about an ethnic group is offensive.
As an Australian with some German heritage, I'm sick and tired of "German bashing". It's hurtful. (Yet when we complain, we're accused of not having a sense of humour!)*

THE ADVERTISER'S RESPONSE

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

Our marketing research uncovered that the Alfa Romeo Giulia competes directly with the German brands, in particular Audi. When people consider the Audi A4, A5 or other similar vehicle in this segment, the Giulia now enters that consideration set, effectively placing the "Italian" firmly in competition with the "German."

With this in mind, we set out to create a humorous ad that talks directly to that prestige target market that considers purchasing an Italian versus a German brand. (The two manufacturing countries have a long history of competing - often humorously - with one another.)

We certainly intended no offence and take all legal concerns very seriously. For this reason we worked closely with both the finance company and manufacturer (Macquarie Leasing / Chrysler Group Financial and FCA) to ensure all pricing was clear, finance comparative rates and TsCs ticked every legal box and the advertising was not misleading to the market we're targeting.

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 complainant's concerns that the advertisement is offensive and discriminates against Germans living in Australia.

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 the Practice Note to Section 2.1 of the Code which provides the following definitions:

"Discrimination – unfair or less favourable treatment
Vilification – humiliates, intimidates, incites hatred, contempt or ridicule".

The Board noted this print advertisement features an image of an Alfa Romeo. There is a central image, with the words at the top of the image that read: "Would an affair with a German be as exciting?" The text at the bottom of the advertisement includes the model name and price of the vehicle along with the advertised interest rate.

The Board noted the complainant's concerns that the advertisement for an automotive company with a statement "Would an affair with a German be as exciting" is a negative generalisation of Germans being "dull" and "boring" with no sense of humour.

The Board considered the overall impression of the advertisement as it shows a friendly rivalry between German engineering and Italian flair in vehicles. The Board considered that this concept was intended to be satirical and was not negative.

The Board considered that most members of the community would recognise the statement "Would an affair with a German be as exciting" does present a stereotype, although the Board did not consider that the stereotype was actually a stereotype of German people and the statement "Would an affair with a German be as exciting" did not vilify or discriminate

against German people.

The Board noted that the advertisement clearly is a satirical and light hearted use of a familiar rivalry to promote a brand and considered that this is not of itself inciting hatred or showing less favourable treatment of a person or section of the community on behalf of race or ethnicity.

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 race and determined 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.