



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0549/18</b>
2	<b>Advertiser</b>	<b>Narbil Training</b>
3	<b>Product</b>	<b>Education</b>
4	<b>Type of Advertisement / media</b>	<b>Radio</b>
5	<b>Date of Determination</b>	<b>23/01/2019</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Physical Characteristics
- 2.6 - Health and Safety Bullying (non violent)

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement revolves around a man mentioning that he intends to start training. a second man replies "Isn't that what we do everyday here at Narbil Training?" The first man counter replies with "No you deadeest ranga, training as in exercise". The second man concludes the conversation with "Well looks like you need it; and by the way I'm not a ranga, my hairs more bronze".

## THE COMPLAINT

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

*I object to having the word "ranga" used in a marketing purpose to attack a person with ginger hair as though they are stupid.  
This also promotes bullying towards redheads.  
Using this as funny and makes others do it.  
This day in age, it shouldn't be happening !!*



## THE ADVERTISER'S RESPONSE

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

### *Narbil Training's Response*

*The advertisement was recorded by the advertiser at their offices at 65 Central Lane Gladstone.*

*The advertisement revolves around one manager, trainer and brother (Joe) mentioning that he intends to start training. The second manager, trainer and brother (John) replies 'Isn't that what we do everyday here at Narbil Training?' Joe counter replies with 'No you dearest rangah, training as in exercise'. John concludes the conversation with 'Well looks like you need it; and by the way I'm not a rangah, my hairs more bronze'*

### *Section 2.1*

*Section 2.1 of the AANA Code of Ethics 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 race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. It remains our strongest view that the advertisement in question in no way breaches the above mentioned section based on: Persons with red hair could not be considered to be an autonomous:*

- race of human beings*
- ethnic group of homo sapiens*
- nationality of living persons*

*Conversely, it stands to reasons that persons with red hair could be found in multiple ethnic groups and races of human beings.*

*Furthermore, the said advertisement in no way:*

- discriminates – there is absolutely NO unfair or less favourable treatment of John by Joe*
- vilifies – Joe's words are not meant to humiliate, intimidate or incite hatred toward John; and John displays no feelings, emotions or words that he felt humiliation, intimidation or hatred from Joe against red heads; and no material contained within the advertisement could be said to do so.*

*The overall mood of the ad is one of light hearted humour with the underlying theme being that of common brotherly interaction. It is difficult to comprehend how the vocabulary used throughout the ad could, under any tangential viewpoint, be seen as either attacking or insinuating stupidity. It remains our strongest view that a reasonable person would recognise and acknowledge that the ad was intended as good natured, typical brotherly banter with absolutely no ill intended, deliberate or wanton harm.*

### *Section 2.6*



*Section 2.6 of the AANA Code of Ethics states:*

*Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety. AANA Code of Ethics Practice*

*Note referring to Section 2.6 states:*

*Bullying – the age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards.*

*Due to:*

- the age of the people depicted in an advertisement – Joe and John are both adults and equal part business managers; there is no power disparity*
- their relationship to each other – brothers who have worked together every single day (including weekends and nights as required) for the past 10+ years*
- the nature of the communication – good natured, typical brotherly banter all inclusively highlight that the ad cannot be seen to breach section 2.6.*

*Code of Practice Section 2*

- 2.2 – the ad contains no sexual appeal of any manner which is exploitative and degrading of any individual or group of people.*
- 2.3 – the ad does not present or portray violence*
- 2.4 – the ad does not contain sex, sexuality or nudity*
- 2.5 – the ad contains no inappropriate, strong or obscene language*

*We receive constant positive feedback re: this advertisement on a weekly basis from learners who attend our facility based on their positive impression of the ad. These persons get to experience the aforementioned brotherly banter as appreciate it for what it is. Having a brother with red hair, being married to a wife with red hair, having a mother with red hair, as well as close personal friends and relatives with red hair, not once have we ever received anything but glowing praise regarding this ad. In conclusion, it is plain to see that the ad does not condone or endorse discriminatory treatment of persons with red hair as alleged by the anonymous complainant. We are of the firm belief that no non-desirable labels have been applied or implied throughout the ad to persons with red hair. Due to reasons clearly demonstrated above, we request that this complaint be dismissed. With look forward with heightened anticipation to your favourable response.*

## **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 complainant's concerns that the advertisement demeaning to people with red hair and depicted bullying.

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 that this radio advertisement features two men talking to each other and included the phrase 'deadset ranga'.

The Panel noted the complainant's concern that the advertisement the advertisement uses the term 'ranga' in a way that implies someone is stupid and that this is offensive to people with red hair.

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 that a previous case had considered whether red hair can be considered as a section of the community in case 0099/18, in which:

"The Panel noted the Practice Note for Section 2.1 of the Code defines 'race' as 'viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality...'. The Panel considered that the advertisement referred to the 'ginger gene' and considered that in the context of this advertisement red hair is referenced as a hereditary trait contained in genes. The Panel considered that DNA can be considered to be related to ancestry and descent and therefore considered that in this context the reference to people with red hair falls within the definition of race and can be considered under Section 2.1 of the Code."

However, the Panel considered that in this advertisement there is no reference to DNA or heritage. The Panel noted that some members of the community may be uncomfortable with the use of the word 'ranga' to refer to those with red hair; however hair colour or personal attributes is not referenced in Section 2.1 of the Code and that this advertisement therefore cannot be considered under Section 2.1.

The Panel determined that the advertisement did not breach Section 2.1 of the Code The Panel considered then Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the complainants' concerns that the advertisement promotes



bullying towards redheads.

The Panel noted the Practice Note for the Code provides:

“The age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards. More care must be taken when the people depicted in an advertisement are Minors or if there is an unequal relationship between the people in the advertisement, e.g. student and teacher, manager and worker.”

The Panel noted that the voice over introduces the men as John and Joe Guinea from Narbil training and considered that the relationship presented between them is that of family members and colleagues. The Panel considered that there is an equal relationship portrayed between the two men and their interaction can be seen as light-hearted banter, rather than one person bullying the other.

The Panel noted that some members of the community would prefer the term ‘ranga’ not be used to describe people with red hair, however considered in this context the use was light-hearted and did not constitute bullying. The Panel considered that it is unlikely this advertisement would be seen to encourage or condone bullying of people with red hair and that it did not depict material which would be contrary to community standards on health and safety. The Panel considered the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

