



Case Report

1	Case Number	0555/17
2	Advertiser	Boost Juice Bars Australia
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	19/12/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Nationality

DESCRIPTION OF THE ADVERTISEMENT

Online advertisement of Boost Juice with characters in tribal dress

THE COMPLAINT

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

This is clearly cultural appropriation. It's inappropriate to depict tribal cultures with "silly faces" and monkey sounds in the background to sell a smoothie. I honestly felt so uncomfortable watching it and judging by the video's comments, many people on Facebook seemed to feel the same.

This is breach of Section 2.1 of Consumer Complaints - it's a direct mockery of cultures who closely identify with those symbols. Warrior garb (i.e. face paint, head dresses) are symbols of pride and respect to those cultures, which are being degraded to sell smoothies - a good that has NO relevance to those cultures. It's a harmful depiction that this man is angry and aggressive, and then idiotic, especially given that he has no visible heritage - it's discrimination.

These 'warriors', their clothing, their head-dresses and their painted faces mimic indigenous cultures. While this alone is poor form, the flippant use of grunting and 'tribal' music enforces harmful stereotypes.

This campaign appropriates indigenous cultures and assistings in the dehumanisation of an already oppressed group of people. Several customers raised their concerns on Facebook - and all comments have since been deleted.

THE ADVERTISER'S RESPONSE

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

In addition to the two complaints enclosed in your letters, Boost Juice received a total of 90 negative comments or complaints (16 via Facebook, 39 via Instagram, 25 via Twitter and 10 via email). While this number represented less than .005% of those reached by the campaign via social media, the nature of the complaints was obviously treated seriously by Boost Juice.

The complaints primarily claimed that the campaign was "cultural appropriation" in that the Campaign Materials had adopted Polynesian, Torres Strait Islander, Aboriginal and/or other indigenous cultures by the nature of the character's costume, and mocked those cultures due to the behaviour of the character.

Character's costume

The first complaint states, "the ad depicts a Caucasian man in fruit-constructed traditional warrior garb amalgamated from Polynesian/TSI/indigenous cultures". The second complaint states, "a man in tribal dress made of vegetables and the other a woman in similar costume".

As explained above, the intention of Boost Juice was to present the characters in armory-type costume that was similar to those commonly attributed to pop culture warriors/figures, and possibly some sports. It appears the colour and vibrancy that was achieved using real fruit and vegetables in constructing the costume, along with the facial make-up (created on the day of the photo shoot), soundtrack and use of the word "warrior", has inadvertently caused an association with indigenous cultures.

While Boost Juice takes the complaints extremely seriously and regrets that it caused any offense on the basis of cultural appropriation, this was not the message which was intended by the campaign. At no point did Boost Juice attempt to appropriate any culture, nor was it contemplated that this campaign could be viewed as cultural appropriation. Boost Juice regrets that some customers or followers took the images which represented pop culture warriors/figures as being in some way related to any culture or indigenous group, as that was not the intended interpretation.

Character's behaviour

The first complaint states, "the video on the banner of the page begins with this man acting aggressive in native dress, and then upon drinking a Boost - relaxing and sticking his tongue out, behaving idiotic and simple, correlating these identities". The second complaint states "it's inappropriate to depict tribal cultures with "silly faces" and monkey sounds in the background to sell a smoothie".

Having associated the characters in the Campaign Materials with indigenous cultures, the

complainants do not view the characters' behaviour as acceptable. In the context for which Boost Juice had intended for the campaign (as explained above), the characters were showing playfulness and lightheartedness, not being "idiotic or simple", and had no association with indigenous cultures.

Boost Juice denies that it sought to, or that it did, culturally appropriate by using the language, symbols or songs of indigenous cultures. Boost Juice also strongly denies that it sought to create a negative impression of indigenous cultures. Boost Juice did not attempt to appropriate any culture, nor was it contemplated that this campaign could be viewed as cultural appropriation.

Our response to the complaints

Initially Boost Juice sought to defend the campaign on its social media channels. A copy of a Facebook interaction is set out below:

During this period, Boost Juice's customer relations team received a telephone call from a representative of an Aboriginal and Torres Strait Islander group who expressed concern in respect to the videos.

As it became obvious to Boost Juice that the campaign was being misinterpreted and viewed as an example of cultural appropriation, Boost Juice removed all online content on 14 November 2017 (being eight days after the start of the campaign).

Boost Juice posted the following message on its Facebook social media platform on 14 November 2017:

Following the withdrawal of the campaign, Boost Juice received a number of messages in support of the campaign and requesting it be revived:

We respond to the complaints by direct reference to each part of section 2 of the AANA Code of Ethics (noting that the Bureau has specified section 2.1 (discrimination or vilification) of the Code as the section the Campaign Materials may have breached):

- *Section 2.1 – discrimination or vilification*

The Campaign Materials do 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.

To the extent the characters in the Campaign Materials could be associated with indigenous cultures, as mentioned above, this was not the message which was intended by the campaign. There was no intent by Boost Juice to create imagery that would be associated with, or that could harm, indigenous cultures.

- *Section 2.2 – exploitative and degrading*

The Campaign Materials do not employ sexual appeal in a manner which is exploitative and/or degrading of any individual or group of people.

- *Section 2.3 – violence*

The Campaign Materials do not present or portray violence.

- *Section 2.4 – sex, sexuality and nudity*

The Campaign Materials do not reference sex, sexuality or nudity.

- *Section 2.5 – language*

The Campaign Materials use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). The Campaign Materials do not use strong or obscene language.

- *Section 2.6 – health and safety*

The Campaign Materials do not depict material contrary to prevailing community standards on health and safety.

- *AANA Code for Advertising and Marketing Communications to Children*

The Campaign Materials were not aimed at or intended for children.

- *AANA Food and Beverages Marketing and Communications Code*

The Campaign Materials do not mislead, deceive or contravene prevailing community standards.

Future for the campaign

While Boost Juice denies the Campaign Materials are in breach of the AANA Code of Ethics, Boost Juice regrets the campaign has caused a number of its customers and/or followers to believe Boost Juice would seek to appropriate indigenous cultures.

In response, on a without admission as to liability basis, Boost Juice:

- *voluntarily removed all Campaign Materials from its social media platforms and in-store; and*
- *agrees not to use the Campaign Materials in any future campaign.*

At Boost Juice we make thousands of juices and smoothies each week by hand, using real fruit and real vegetables, that nutritify, nourish and energise our customers. Boost Juice will consider other ways to promote this empowerment.

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 discriminating against and a mockery of indigenous cultures.

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 there are two separate versions of the Internet advertisement of two characters, the first featuring a man depicted in tribal dress constructed of vegetables and fruit along with facial make-up. The second features a woman in a similar costume and make-up, both characters are drinking the Advertised product and making inaudible sounds along with “monkey like” sounds. The words “Real Fruit”, “Real Veg” and “Not So Real Warrior” in large font are displayed on screen at different intervals of both advertisements.

The Board noted the complainant’s concern relating to discrimination based on a person’s ethnicity and perceived cultural insensitivity, and that the advertisement is cultural appropriation of Indigenous culture head wear and makeup and the use of the word “warrior” exaggerates this.

A minority of the Board considered that there were elements of the advertisement that could be considered offensive to some people because of the visual links to indigenous peoples and the association with ethnic groups or tribes of ethnic heritage and considered that the Advertiser should be more aware and culturally sensitive in the future.

The majority of the Board however, considered that the advertisement was in line with a modern, stylised promotion including the upbeat music and brightly coloured outfits. The Board considered that the costume of fruit is relevant to the product and that there is no indigenous or particular ethnic association. The Board noted the clear reference to “not so real warrior” and considered a dress up in a nature style costume is not in this case a depiction that is negative, discriminatory or vilifying.

The Board acknowledged that Boost Juice voluntarily removed all Campaign Materials from its social media platforms and in-store and agreed not to use the Campaign Materials in any future campaign.

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.