



CASE REPORT

1. Complaint reference number	147/09
2. Advertiser	Commonwealth Bank of Australia
3. Product	Financial
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1
6. Date of determination	Wednesday, 22 April 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

The Television advertisement features the fictional creative agency in mid production of thousands of Platypus money boxes. The fictitious bank marketing team question why we don't just say "Switch to a Commonwealth Bank transaction account and get fee free banking for a year".

THE COMPLAINT

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

The American in the ad is portrayed as culturally insensitive, rapacious and unintelligent. The Australian is portrayed as intelligent, thoughtful and caring of the bank's clients. If you were to insert an individual identifiable as any other nationality or ethnicity (ie, Jew, Muslim, Greek, etc) in the role of the American, the ad would never have aired. I find this ad racist and therefore offensive.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

With regards to the complaint received, reference 147/09, please find to follow our comments.

The advertisement this complaint refers to is the latest spot in our 'mock'umentary advertising campaign, which features a fictional Advertising Agency who make ludicrous recommendations to a fictional Commonwealth Bank Marketing Team. The advertising concept is based on the fictional agency presenting absurd ideas to the fictional Marketing Team, with the absurdity of these suggestions intended to be humorous in nature.

The over the top presentations from the fictitious advertising agency are contrasted with the sensible responses from the fictitious marketing team, who are trying to communicate that we are "Determined to be different."

The advertisement is for our 'fee-free transaction account', and features the fictional agency in mid production of thousands of Platypus money boxes. The fictitious marketing team question why we don't just say "Switch to a Commonwealth Bank transaction account and get fee free banking for a year". The humour here is intended to be light-hearted in nature.

The complaint in question sits under section 2.1 of the Code of Ethics, which states that advertising must 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, sex, age, sexual preference, religion, disability or political belief. We believe the advertisement does not discriminate Americans

in any way, and does not portray them as “culturally insensitive, rapacious and unintelligent” as the complaint suggests. Instead, it was created with light hearted comedy in mind, and was intended to be a nonsensical suggestion.

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 about the depiction of Americans in the advertisement and considered the application of Section 2.1 of the Code, relating to discrimination or vilification on the basis of nationality.

The Board noted the advertiser response that the intention of the advertisement is to communicate the advertiser is "determined to be different".

The Board considered the advertisement was a light-hearted depiction of an advertising agency missing the mark with its client's marketing goals. The Board considered the portrayal of the American advertising team was not intended to ridicule or demean Americans in general and that most members of the community would recognise the intended humour and not consider the advertisement to be offensive. The Board therefore found no breach of Section 2.1 of the Code.

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