



CASE REPORT

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| 1. Complaint reference number | 159/09 |
| 2. Advertiser | Cafe' Bella Vista |
| 3. Product | Food |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Discrimination or vilification Race – section 2.1
Discrimination or vilification Religion – section 2.1 |
| 6. Date of determination | Wednesday, 22 April 2009 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

Radio advertisement has Indian sitar music playing in background. The voice over, in a heavy Italian accent says “In India, certain religions used to perform exotic rituals and worship the cow for its symbol of wealth, strength and abundance of life, making them sacred and celestial beings. Here at the Café Bella Vista restaurant, we think that they are just big dopey animals, so we make them into juicy scotch fillet steaks, topped with whole king prawns, served on roasted rosemary potatoes and dressed with a homemade garlic cream sauce. Café Bella Vista, Bennett Street, East Perth, phone 9220 9560”.

THE COMPLAINT

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

As a Hindu born person the sense of superiority that was conveyed by the words "We think it is a big dopey animal" was a serious put down. Had the ad not mentioned the Indian/Hindu belief system then I would have had no objection to it. As soon as they had mentioned the Hindu religious beliefs and then followed it with the view that they thought it was a big dopey animal the connection from that statement to my parents religious beliefs was created. I have spoken to the manager of the cafe who was totally unsympathetic to my views and accused me of having no regard for his beliefs. I pointed out to him that his view that the cow was a big dopey animal was not part of his religious beliefs. I believe the sense of superiority shown towards people who may treat these animals as sacred and an essential part of their cultural and religious belief system is the part that I have some difficulty with.

THE ADVERTISER'S RESPONSE

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

Firstly I am happy that people are actually listening and taking notice of my ads (as they are not cheap), secondly, however, all my ads have all been well researched and have been written with the intention to provide a bit of humor to the radio listeners who have to endure the standard infomercials that occupy around 95% of radio space.

It's unfortunate that someone has been able to create a religious issue out of this, and that fact that I make absolutely no reference to any particular religion race or creed in my ad perplexes me even more. In regards to calling cows big dopey animals, well, I'm not sure why this would offend any one.

As I don't wish to waste any more of my time, or your time for that matter, I would just like to express my concern that a minor entity such as my commercial has been able to provoke this kind

of response and resentment, and I feel that if people can start taking these kind of issues for what they are (ie. light hearted humor), rather than turning them into a religious or a political issue, then perhaps there would be a lot more peace and harmony embracing our lives.

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 was offensive towards persons of Hindu belief and considered the application of Section 2.1 of the Code, relating to discrimination and vilification on the basis of religion.

The Board noted the advertisement opened with Indian-themed music and referred to people in some countries regarding cows as sacred and then seemed to dismiss such beliefs in the latter part of the advertisement, stating that the advertiser regarded cows simply as "big, dopey animals". The Board considered the tone of the voiceover in the advertisement to be mocking.

The Board considered that some members of the community would find the advertisement humorous and light-hearted, as the advertiser indicated was the intention. However, the Board also considered that many in the community would recognise the words used at the start of the advertisement together with the Indian-themed music as a clear reference to Hinduism and would regard the tone of the advertisement as derogatory towards those of Hindu belief and inappropriate. On balance, the Board considered most members of the community would consider the advertisement crossed the line in contravention of the provisions of the Code relating to discrimination and vilification on the basis of religion.

The Board therefore upheld the complaint.

ADVERTISERS'S RESPONSE TO THE DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

Firstly I would like to express my utmost disappointment that the complaint against my commercial has been upheld. I can't help but feel that my point of view in this matter has been completely disregarded by your board, and it is decisions such as this one that encourages people like the complainant to interfere with the progress and daily running of businesses and organisations such as ours.

However, before I involve my solicitor in this matter and waste any more of our time, I propose that a quick substitution of the word "dopey" with the word "tasty", and a re-voicing of the commercial should be all that is needed to finally put this matter to rest. I am sure that our radio company will be more than willing to co-operate with us on this matter keeping costs to a minimum, however if substantial costs do occur from this exercise we may be forced to pass this burden onto yourself and/or the complainant.

I hope your board will find this proposed modification satisfactory, and trust that this will be the end of this issue.