



## **CASE REPORT**

1. Complaint reference number	215/99
2. Advertiser	Kosciusko Thredbo Ltd (Lonely Statue)
3. Product	Travel
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Tuesday, 13 July 1999
7. DETERMINATION	Upheld – discontinued or modified

## **DESCRIPTION OF THE ADVERTISEMENT**

The television advertisement commences with a scene of a church service, apparently just concluded, with people leaving and the minister extinguishing the candles and closing the door. In the darkness that follows, the sound of a woman crying is heard. A statue of the Virgin Mary is then shown with exaggerated tears flowing from her eyes. A voiceover says ‘Feeling lonely? ... Well, you should have gone to Thredbo’ as various scenes are shown of people skiing and snow boarding. The advertisement concludes with a scene of the words ‘Thou shalt ski Thredbo. You’ll like it’ in a medieval style script illuminated by candles, with the sound of a woman crying again heard in the background.

## **THE COMPLAINT**

Comments that the complainant/s made regarding this advertisement included the following:

*“It is deeply offensive to me as a Catholic Christian to see the image of Christ’s mother used in this way.”*

*“To a good proportion of the Australian population these matters are deadly serious, not a figure of fun or good natured amusement.”*

*“This statue represents a sacred and deeply honoured person in the Catholic Church – the Mother of God. As such, the misuse and derogatory manner in which this commercial makes its point to sell its message is totally insensitive.”*

*“I am sure that the same agency and its client would be extremely careful before sanctioning the use of imagery that may offend the religious sensitivities of Jews, Moslems, even Aborigines.”*

## **THE DETERMINATION**

The Advertising Standards Board (‘the Board’) considered whether this advertisement breached Section 2 of the Advertiser Code of Ethics (‘the Code’).

The Board determined that the advertisement vilified people on account of their religion and, accordingly, breached Section 2.1 of the Code. The Board upheld the complaint on this basis.

Section 2.1 of the Code provides that:

*“Advertisements shall not portray people 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.”*

In making this determination, the Board considered that the advertisement disparaged, detracted from

and subjected to ridicule one of the central icons of Catholic religious belief and would be likely to cause offence to the broader Catholic community.

The Board noted a previous determination to dismiss a complaint against a 'Tooheys New' advertisement in which aspects of the Catholic religion had also been used. [1]

The Board was of the view that the utilisation of religious elements differed significantly between the two advertisements. In the Board's view, in *this* advertisement, the utilisation of Catholic themes did not carry with it the same humane and affectionate treatment, in the obvious context of religious humour, that had applied to the previous matter.

#### **ADVERTISER'S STATEMENT**

Kosciusko Thredbo voluntarily removed the "Lonely Statue" commercial from air two weeks ago (on Friday 2<sup>nd</sup>, July).

Unfortunately the Thredbo TVC was launched at the height of the controversy surrounding the ASB's dismissal of complaints against the Tooheys 'confessional' commercial. The Thredbo TVC became entangled in the resultant publicity to the point where Kosciusko Thredbo believed the commercial was actually intensifying the controversy and being taken out of context. Kosciusko Thredbo took independent action and voluntarily withdrew the TVC from airplay and will not show it again. The other three commercials in the campaign continue to run.

Kosciusko Thredbo launched the campaign with four humorous and irreverent TVC's targeting 18-24 year olds. The company has received positive feedback from a broad cross section of the community regarding the campaign. It was never the intention of the company, or its advertising agency Campaign Palace, to seriously offend any section of the community.

---

[1] Matter No. 94/99. Determined 13 April 1999