



CASE REPORT

1. Complaint reference number	244/08
2. Advertiser	Trend Micro Australia
3. Product	Office goods/services
4. Type of advertisement	Print
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1
6. Date of determination	Wednesday, 9 July 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

A full page advertisement. The top third features a black and white photograph of a man. He has his hand on his chin and is looking thoughtful. A thought bubble is drawn next to the man with the following text: How on earth did a Russian Criminal get my password? Below the photograph is detailed text listing an explanation of the value of the Internet Security product - Trend Micro PC-cillin. A large image of the product packaging is also displayed. At the bottom of the advertisement there are a range of retail outlet logos and the Trend Micro logo and branding.

THE COMPLAINT

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

The ad appears to use fear-mongering to sell product. There is a purported link between necessity to buy the Trend Micro product and otherwise contemplated consequence of being attacked by cyber criminals. The message is reinforced by association of words "criminal" and "Russian". In my view the association is unacceptable, offensive and discriminative to Russian Australian community members in Australia.

There is an obvious link being made between the words "Russian" and "criminal". There is no justification to imply that an attack on your computer will be necessarily made by a Russian national who is also a "criminal". The advertiser should be prevented from using the ad in this and any other media and an apology must be posted.

1. This type of advertising and marketing communication is in breach of Section 2 of the AANA Code of Ethics, i.e.

it discriminates against Russian community on account of race, ethnicity, nationality.

2. The Australian community of Russian background consider this kind of offensive advertisement is vilifying the good name of Russians who contributed tremendously to the development of Australia over many decades. 'Russian criminal' is a very blatant statement about our nationality, which is very offensive to the good law abiding Russians in Australia.

THE ADVERTISER'S RESPONSE

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

This ad is part of a series of advertisements intended to raise awareness of current online security and safety issues – particularly on the topics of credit card fraud and identity theft, which is a major concern for consumers (Note that this particular ad completed its run last week and no further bookings have been made).

The ad leads in with a black-and-white retro-style photo of a man concerned and confused because, despite having antivirus software on his computer, somehow a criminal on the other side of the world has managed to get hold of his personal details. The ad then goes on to describe how old fashioned forms of security (such as traditional antivirus protection) are inadequate in the modern era of organized and financially motivated cybercrime.

The line “How on earth did a Russian criminal get my password” was referring to a cybercrime organization called the Russian Business Network, a group specializing in identity theft and the resale of this information. It has received international press attention for being one of the world’s worst spam, child pornography, virus, phishing and cybercrime hosting networks, and has been implicated in cyber-terrorism activities. We never intended to characterize Russians as being criminals and apologise sincerely if the advert was taken out of context.

I have included a link to the recent articles referring to the Russian Business Network, to which the advert was referring:

1. *The Guardian* (<http://www.guardian.co.uk/world/2007/may/17/topstories3.russia>)
2. *The Age* (<http://www.theage.com.au/news/security/the-hunt-for-russias-web-crims/2007/12/12/1197135470386.html>)
3. *The Sydney Morning Herald* (<http://www.smh.com.au/news/security/new-tool-lets-online-crims-cover-their-tracks/2008/04/23/1208742951055.html> , <http://www.smh.com.au/news/security/the-hunt-for-russias-web-crims/2007/12/12/1197135470386.html>)
4. *ComputerWorld* (<http://www.computerworld.com/action/article.do?command=viewArticleBasic&articleId=9063418>)
5. *The Times*
(http://technology.timesonline.co.uk/tol/news/tech_and_web/the_web/article2844031.ece)
6. *ZDNet* (<http://www.zdnet.com.au/news/security/soa/Infamous-porn-and-phishing-ISP-rolls-Bank-of-India/0,130061744,339281722,00.htm>)

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 complainants concerns that this advertisement discriminated against Russians and reviewed it under Section 2.1 of the Code.

The Board viewed the print advertisement and noted the reference to Russian criminals.

The Board considered that the advertisement was not suggesting that all Russians were criminals.

The Board noted that the imagery used in the advertisement was reminiscent of the cold war and played on the age-old belief that here (Australia) is safer than another unknown country (in this case Russia).

The Board further noted the advertiser's response provided context about the language used in the advertisement - that a *cybercrime organisation called the Russian Business Network* has been operating in this country.

The Board considered that the language and reference to Russians used in the advertisement was justifiable in context of the product being advertised and therefore 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.