



CASE REPORT

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| 1. Complaint reference number | 26/07 |
| 2. Advertiser | Commonwealth Bank of Australia (backyards) |
| 3. Product | Finance/Investment |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Nationality – section 2.1 |
| 6. Date of determination | Tuesday, 13 February 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on an aerial view over a typical Australian suburb showing the houses with large green backyards and a male voice-over narrating "The great Australian backyard - where cricket champions are born". We are then given views of "Gilchrist's childhood backyard", "Hussey's backyard" and "Brett Lee's childhood backyard" all with cricket stumps in place. Then we are told "Now look at the typical English backyard" - with a view of a small neglected courtyard behind an inner-city style terrace house under grey skies and pouring rain - "poor blokes don't stand a chance". The scene ends with an Australian family enjoying a game of backyard cricket on a sunny afternoon and the voiceover concluding "The Commonwealth Bank has helped more Australians own their backyards than any other bank. Who better to sponsor the One Day International Series."

THE COMPLAINT

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

It's xenophobic and it reinforces negative and incorrect stereotypes about the UK - that it's a dark and unhealthy place where people "typically" live in hovels. Yes it's a joke, but it's a poor one, and the fact that it's a bank making the joke makes it worse. There are plenty of other ads around making jokes at the expense of the English - about warm beer, whingeing etc; all the usual suspects. But those ads tend to be for beer or for the cricket itself. A supposedly respectable institution like the Commonwealth Bank ought to be a little more responsible, and they could have made the same point without jumping on the pommy-bashing bandwagon. Especially when the so-called "UK" backyard is quite obviously in Australia. The bank needs to find a non-racist way to reach its target demographic.

I find this offensive because it gives a false impression, implying that Australian gardens are big and superior to English ones. No doubt this advert is supposed to be 'tongue in cheek'. However, many Australians I know have never been outside Australia and blindly believe this sort of false impression.

THE ADVERTISER'S RESPONSE

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

The complaint alleges xenophobia, which is conduct based on race. 'Xenophobia' is not the same as vilification or discrimination. The term 'xenophobia' is typically used to describe a fear or dislike of foreigners. The advertisement does not in any way portray a fear of, or dislike towards, English people in a manner that could be discrimination or vilification. What it does is compare the typical size of backyards in Australia with the typical size of backyards in the UK, and does so in what was intended to be a light-hearted humorous way.

Discrimination means to make or draw a distinction in favour of, or against, a person, or type of person. The advertisement does not draw a distinction against any people. As mentioned above, it compares the size of typical backyards.

Vilification is a strong word, which is not relevant in this case. It means to speak evil of a person or portray them as vile. The advertisement is lighthearted and does not speak evil of the English or portray them as vile.

The complaint refers to other advertisements which make jokes about the English, i.e. “whinging”. This advertisement does not make discriminatory references to English people. Rather, the advertisement plays on the light-hearted rivalry between England and Australia during the cricket.

It is also worth noting that this advertisement is one of two advertisements in a series. The other advertisement shows “the typical” New Zealand backyard. This advertisement plays on the light-hearted rivalry between New Zealand and Australia during the cricket.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the advertisement and considered whether it breached Section 2.1 of the Code dealing with discrimination and vilification.

The Board noted the image of the English backyard and considered the complainants' comments that the advertisement was racist.

The Board agreed that the depiction of the backyard was intended to suggest in a light-hearted, playful way, that the Australian cricket team has advantages over the English team as a result of living in Australia. The Board also agreed that the depiction of the backyard did not amount to discrimination against a *people* of a particular nationality. Hence the Board agreed 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.