



CASE REPORT

1. Complaint reference number	270/09
2. Advertiser	Unilever
3. Product	Food and Beverages
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1
6. Date of determination	Wednesday, 24 June 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

THE COMPLAINT

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

'Secret men's and woman's business' is the descriptive used to speak about Indigenous Australians as part of their sacred 'religious' rights and culture. As an Australian white person i feel ashamed and find these flippant portrayals of what is sacred to our indigenous populations extremely offensive and discriminatory as described under "2. Section 2, 2.1 Advertising or Marketing Communications shall 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" and ask the company concerned immediately remove it from airing on Australian Television.

THE ADVERTISER'S RESPONSE

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

We refer to your email dated 10 June 2008, enclosing details of a complaint the Advertising Standards Bureau had received. The complainant alleges that the Advertisement is in contravention of Section 2 Clause 2.2 of the AANA Code of Ethics.

The Advertisement is part of a series of 14 short television commercials, each featuring a family preparing a meal with any one of our Continental products. The series, including this Advertisement, has been developed around light hearted depictions of family meal times featuring themes such as football games, ballet recitals, family holidays etc. The scripts are inoffensive and intended to depict normal everyday family situations and conversations. We can make the series available to you should it be necessary to contextualise this particular Advertisement.

This Advertisement features the father and son returning home and the mum preparing a family meal. In particular from the complainant alleges that the use of the words 'Secret Men's Business' and "Secret Women's Business" contravenes Section 2, Clause 2.1 of the Code.

In keeping with the concept of the entire series, this Advertisement is a light hearted portrayal of an everyday family situation and the dialogue "Secret Men's Business" and "Secret Women's Business" are used as humorous banter between the mum and dad. It is not used in a manner that is offensive and objectionable. Moreover the dialogue is common colloquial terms and is widely used in everyday Australian language. It is our belief that the general public understand that this advertisement is light hearted and not intended to be offensive or discriminatory.

We further note that the advertisement was reviewed and approved by CAD and given a PG rating.

We submit that in determining whether Section 2 Clause 2.1 of the Code has been breached, the approach must be an objective one and the assessment to be made by the Bureau should not depend upon the subjective view of an individual. In this regard the Advertisement must be considered from the view point of the reasonable hypothetical viewer and it is our submission that a reasonable viewer will not be offended by the use of this dialogue.

While we regret that The complainant was offended by the Advertisement, this in itself is not sufficient grounds for upholding her objection. We submit that given the light hearted and harmless tone of this Advertisement, the complainant's view is not shared by most viewers or a reasonable hypothetical viewer.

For these reasons we respectfully submit that the Advertisement meets the requirements of Section 2.6 of the Code, and cannot be regarded as offensive and or discriminatory and we ask that the complaint not be upheld. Please be assured that Unilever is committed to achieving the highest standards of ethical and moral behaviour in all aspects of our business and we do apologise for any offensiveness the complainant experienced.

The commercial was on air for the duration of 7 days. While we have no plans for this commercial to be aired again in 2009, we wish to have the ability to continue to air the commercial again in future instances.

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 concern that the advertisement makes reference to an important indigenous concept in an inappropriate manner.

The Board noted that the advertisement depicts a white family and that there are no references or suggestions of indigenous culture or people anywhere in the advertisement.

The Board noted that the phrase 'secret men's' and 'secret women's business' is a phrase that has come into Australian English colloquial language and is used to refer to things that you can keep secret from your spouse, friend etc. The Board acknowledged that this phrase originated from Australian indigenous culture and that it still has important meaning in that culture. The Board considered that although referenced from indigenous culture and language, this indigenous culture and language has crossed cultures and is now part of white Australian culture. As the phrase is not used in a manner that is intentionally sacrilegious, suggestive of indigenous culture or used in conjunction with any images that are disrespectful of indigenous people or culture, the Board considered that the use of the term is not discriminatory or vilifying to Indigenous Australians.

The Board determined that 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.