



## **CASE REPORT**

1. Complaint reference number	349/08
2. Advertiser	Wicked Campers
3. Product	Travel
4. Type of advertisement	Transport
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1
6. Date of determination	Wednesday, 10 September 2008
7. DETERMINATION	Upheld – discontinued or modified

## **DESCRIPTION OF THE ADVERTISEMENT**

This transport advertisement features the slogan "Save a whale. Harpoon a Jap."

## **THE COMPLAINT**

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

*First of all, I am dismayed to hear that the racist nature of this slogan is even being questioned. Secondly, and more worrying, not only is this racial vilification but there are people who could take "Harpoon a Jap" literally. Whilst most Cairns residents fully understand the value of the tourist and international student industry to the local economy, there are marginalised people everywhere who are angry about their lives and are looking for someone to blame. These kind of slogans are fuel to the fires of their malcontent. It is absolutely crucial not only to reassure Japanese (and other Asian) tourists that they are welcome in Queensland, but to remove this dangerous message from the streets of Far North Queensland immediately before its malicious influence is felt in a disastrous and irreversible manner. I have read that Wicked Campers had to have anti-gay slogans removed from its vans in March in New Zealand and that there have been a number of other complaints about the company in Australia. This company seems to be run by someone who needs to be taught a lesson in our anti-discrimination legislation.*

## **THE ADVERTISER'S RESPONSE**

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

*Wicked Campers rents budget campervans that are adorned with individual artwork, some of which contain political messages. This art does not form part of our advertising communication either on or off line. As art and political communication fall outside the scope of the AANA Code of Ethics, there can be no breach of the code.*

*Notwithstanding the Advertising Standards Board previous attempts to classify art as marketing communication, the AANA Code of Ethics explicitly defines labels or packaging of products as Excluded Advertising or Marketing Communications which are not covered by the code. Given that the artwork is located on the external sides of our product – the 'packaging', it cannot by definition breach section 2.1 of the code as it is not covered by it.*

## **THE DETERMINATION**

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

The Board considered the application of Section 2.1 of the Code relating to discrimination and

vilification. The Board considered the marketing communication clearly vilified a group on the basis of race/nationality.

Finding that the advertisement breached Section 2.1 of the Code, the Board upheld the complaint.

#### **ADVERTISER'S RESPONSE TO DETERMINATION**

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

*In attempting to classify art as a form of marketing communication, the ASB have defined the 'product' the art is associated with as travel in each case report to date. Given that the art in question is on the physical surfaces that enclose our 'product' and that the ANAA code of ethics specifically excludes labeling and packaging from its scope, Wicked Campers asserts that artwork on vehicles is not covered by the code.*

*We do note however the prevailing community attitudes over whaling in the weeks following the publicity over our whaling camper.*