



## **CASE REPORT**

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| 1. Complaint reference number | 359/07   |
| 2. Advertiser                 | Dairy Farmers (Australia's Milk)                         |
| 3. Product                    | Food & Beverages   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Discrimination or vilification Nationality – section 2.1 |
| 6. Date of determination      | Tuesday, 13 November 2007                                |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens on an Australian farmer going about his business on the farm as a voiceover asks "Imagine if Dairy Farmers was only 90% Australian...?" as we see the farmer's Akubra swapped for a Stetson and his gumboots become American Cowboy boots. He looks at his feet slightly perplexed. The voiceover continues "Or 60% Australian...?" As the farmer moves towards his Ute, his Drizabone becomes a brightly coloured poncho and when he opens the door to his Ute it is seen to be a foreign pick-up truck with the steering wheel on the left hand side. The farmer looks slightly puzzled at its new location. His Blue Heeler becomes a chihuahua, which bewilders him. Again the voiceover asks "What if Dairy Farmers was 25% Australian?" This time the farmer is wearing a French beret, sitting on a stool in a farmyard surrounded by chickens and milking a cow by hand. "Or only 3%...?" Another scenario portrays the now bearded farmer in a high rocky setting with a herd of mountain goats. The voiceover assures "It just wouldn't be the same." The Australian farmer is now shown in the original setting as 100% Australian, drinking from a carton of Dairy Farmers milk as the voiceover concludes "Dairy Farmers. Australia's milk."

## **THE COMPLAINT**

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

*The inference of this advertisement is that anything that is less than 100% Australian is inferior. This is highly inappropriate and very offensive in a multicultural society. At a time when our migrant population is increasingly under attack from a variety of sources, I regard this advertisement as highly provocative, in the worst possible taste and - to use a term of which Dairy Farmers appears to be fond - completely 'unAustralian'.*

*Although it is aired in a somewhat comical format, it appears there was little consideration given to the societal impact such an advertisement would have. Should the general viewing public now view Australian citizens who may have been born in Mexico to be only 85% Australian?...I would like the advertisement removed due to the negative connotations it implies of fellow Australians who may have been born in different countries, and because of the negative implications directed towards farmers of other countries.*

*This is an appalling case of xenophobia in advertising that is truly embarrassing.*

## **THE ADVERTISER'S RESPONSE**

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

*In a commodity category like white milk, consumers perceive there to be little difference between milk brands. It is crucial to provide consumers with clear and compelling reasons as to why they should choose your particular brand of milk over another. Dairy Farmers is proudly 100%*

*Australian owned meaning that profits stay in Australia. Furthermore, Dairy Farmers is a farmer owned cooperative, which means that profits go directly to Australian Dairy Farmers' farmers as they own the business. Being a farmer owned cooperative that is owned by Australian dairy farmers, means that Dairy Farmers is proud of being Australian because it's who we are. We know from recent comments posted on our website that they too are passionate about buying Australian owned products and like to be informed.*

*It was always our intention to generate a sense of Australian pride with our TV commercial. We want to point out that we are not claiming "anything less than 100% Australian is inferior". Our TV commercial humbly refers that "it just wouldn't be the same". We are expressing our pride in being Australian by explaining that foreign milk is simply different, not inferior. We acknowledge that Australia is a multicultural nation, and our pride in being Australian would suggest that we are proud of this nation as it stands. It was decided that the best way to display our affection for Australian dairy farming was to not only depict it in the TV commercial but also show examples of what dairy farming is potentially like in international nations.*

*It was important for us to have a farmer in the TV commercial in order to dramatise our Australian ownership as the farmer is an ambassador for the Dairy Farmers brand, and this is what has been done in previous Dairy Farmers TV commercials.*

*The characters in the commercial were depicted in a respectful manner to highlight dairy farmers from different international countries, as a broad metaphor to explain how Dairy Farmers is proudly an Australian company. In summary, it was never our intention to criticise international dairying, nor any particularly race or country of origin with our TV commercial. Rather, we're clearly stating if Dairy Farmers milk wasn't produced or owned by Australian farmers "it just wouldn't be the same", as opposed to 'inferior'. Australia is a multicultural nation and we wouldn't have it any other way; Dairy Farmers is proud to be Australian, and we're proud to produce Australian milk where profits stay in Australia and are given back to our Australian farmers.*

## **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 that the advertisement vilifies non-Australians and farmers from the particular countries represented in the advertisement.

The Board agreed that some people would find that the advertisement's representations of the farmer undergoing a transformation from 'fully Australian' to 'less Australian' as suggesting that milk or farming methods from those other countries is undesirable. However the Board considered that although the advertisement shows the farmer adopting traits and possibly stereotypical farming methods of the other countries there is no strong suggestion in the advertisement that the other methods are undesirable or inferior. The advertisement's focus is that those other farming methods or characteristics are different to Australia methods and that Australian milk is manufactured in Australia and is more desirable because of its country of origin.

The Board considered that the advertisement made a legitimate tactic of describing its product as Australian made and owned, not foreign. There are many types of Australian produce or services that are marketed as preferred because of their Australian origin. The Board considered that this representation does not of itself discriminate against people or services from other countries - it is merely a marketing angle. The Board agreed that such marketing could become discriminatory or vilifying if it represented foreign products or services as inherently inferior because of their foreign origin. The Board considered that this advertisement emphasised the Australian origin of the product legitimately and did not denigrate farmers or people from the countries represented in the advertisement. 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.