



CASE REPORT

1. Complaint reference number	416/09
2. Advertiser	Tourism Victoria
3. Product	Travel
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Religion – section 2.1
6. Date of determination	Wednesday, 9 September 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

A young woman is depicted walking around the convent gallery at Daylesford, then strolling through a berry farm in Daylesford where other women are picking fruit and the advertisement cuts to the young woman at a fine dining restaurant, dressed up and having champagne and berries. The advertisement then cuts to her swimming in a lake and there is gospel music in the background. At the end of the advertisement she is seen plunging into a pool like spring. The caption at the end is "lead a double life, Daylesford".

THE COMPLAINT

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

I object to the scene in which the girl enters a church and is baptised by full immersion (as a direct contrast to the previous scene in which she is depicted fornicating underwater. My objection to this is based on the fact that it undermines the serious nature of a Christian baptism.. For a christian, baptism is done when a person converts, and repents of their sin undertaking to begin a new life in Christ. This ad implies two things, firstly that the act of baptism is meaningless, and secondly that Christians lead "double lives". This is religious vilification against Christians, and highly offensive to those who take baptism and their Christian faith seriously.

The reason I object to this ad is that it offends my Christian faith and beliefs that speak of living one life for God and not some kind of double life that is promiscuous and sexual outside marriage. A believer is baptised into the name of Jesus Christ and baptism is not just some meaningless ritual to wash away some meaningless guilt so the person can go back and do whatever they like time after time. Living a double life like this is offensive and goes right against all Christian and most other religious belief systems.

This add makes a mockery of the rite of Christian baptism and the serious nature of Christian commitment. It blatantly sets out to twist and exploit Christian beliefs and practices and is offensive and degrading in its treatment of Christian rites and imagery. The 'catchphrase' of 'be double minded' is a direct contradiction of specific biblical teaching (James 1:6-8) and to use the christian symbolism in such a twisted way shows a complete lack of sensitivity to both the Christian community and to heart felt beliefs of millions of Australians.

My main objection is the use of songs of religious significance and the use of the image of a girl being baptised in her underwear!!! (something that is pretty sacred to the Christian community) combined with a lifestyle and advertising slogan that promotes "living a double life" - this is in absolute contrast to the message of Christianity.

If they used Muslim religious practices or songs to advertise their state there would be an absolute uproar.

Seriously, it is inappropriate advertising which shows no respect to Christians and our beliefs.

Thank you for looking into this ad for me.

THE ADVERTISER'S RESPONSE

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

We have considered the complaints and the advertisement in question in light of the provisions of the AANA Code of Ethics (.the Code.). We note that the nature of the complaints relate generally to .discrimination. and .vilification., specifically to the concern that the advertisement in question contains material which vilifies members of the Christian faith.

We have carefully considered the Code, and have assessed the provisions against the content of these advertisements. We believe that the advertisement does not breach the Code on any of the grounds set out in the same.

Looking at the Code, Provision 2.1 provides that advertisements 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..

The advertisement in question was developed in a bid to capitalise on the global trend that has seen a boom in the popularity of health-based tourism. Tourism Victoria.s latest campaign (phase 9 of the successful jigsaw campaign) seeks to build interstate awareness of Daylesford as a village dedicated to your wellbeing.

The central idea of the campaign is a focus on the naturally occurring mineral springs which are unique to Daylesford and the surrounding areas. The campaign illustrates how the health-giving spring waters help to grow the natural surrounds and fresh produce in addition to providing the foundation for a range of rejuvenating spa experiences.

Daylesford is a unique destination that delivers a balance of emotional and physical rejuvenation. In Daylesford visitors don.t have to experience one thing or the other - they can experience both.

The concept led to the tag line for the campaign: .Daylesford. Lead a double life.. The advertisement in question depicts a scenario switching between two distinct time lines, one set during the day and the other at night. The central character is depicted as walking through various areas of Daylesford, noticing people picking berries and pumping spring water, before entering a day spa and being tended to by a member of staff, all the while juxtaposed with images of her in an evening gown, enjoying a lavish party and having a romantic encounter with a young man swimming in the lake.

The idea of the creative execution was to highlight two paradoxical sides to the village of Daylesford:

(1) the rustic daytime with rolling hills and a rich source of fresh produce and spring water, as well as the relaxing day spa; and (2) an indulgent night time experience and delicious feast.

It aims to demonstrate the outcome of spending time in this village provides a sense of enrichment and rejuvenation, ultimately leading to a sense of balance.

We note that the majority of complaints are concerned with the final scene, of the central character bathing in the pool of a day spa. The building she enters is a representation of the Hepburn Bathhouse and Spa, in which she is being tended to by a spa attendant in its signature salt therapy pool. In our view there is nothing in this scene which actually vilifies Christian belief or discriminates against it. The intention of the scene was merely to be reminiscent of relaxation and rejuvenation.

The scene is shot in a sensitive, tasteful and respectful manner, rather than in a way which mocks or ridicules the actions taking place in the scene. Our lead character, whilst undressing to reveal swimwear, is nonetheless dressed quite modestly in a demure one-piece bathing suit.

We note that some complaints were also concerned with the depiction of the central character

appearing sexually promiscuous. At no point in the night time scenes was there any sexual activity depicted. Whilst there was a romantic moment between the central character and male character under the water, this scene did not depict any sexual behaviour other than an underwater kiss.

Both characters remained fully clothed during these underwater scenes.

In relation to the concerns regarding the accompanying soundtrack, we note that the song is available in the public domain and overlaps a number of music genres, including folk music. The song depicted is known as 'Down To the River to Pray.', and is an African American folk song of unknown authorship that has existed for at least 200 years. The original intended meaning of the song is a subject of historical dispute and whilst there are some references to praying, the intention of its inclusion was to invoke feelings of serenity and calm. The choice of song is consistent with the overall tone of the advertisement and serves to reinforce that Daylesford is a place of relaxation and escape from one's hectic everyday life.

In summary, in our view, none of the above constitutes a portrayal which discriminates against or vilifies any member of the Christian faith. The scenes in question are handled with respect and are depicted in a tasteful and sensitive manner. Obviously the intention was not to condone or encourage discrimination or vilification of the Christian faith in any sense. For the above reasons we submit that the advertisement is not in breach of the Code.

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 the advertisement is inappropriate because it depicts people of the Christian faith being baptised, is demeaning of the sacred rite of baptism, that the woman in the advertisement is dressed only in sexually provocative underwear and that the advertisement is offensive because it promotes promiscuity with the caption "lead a double life".

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 states:

"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".

The Board noted that the advertisement was promoting the town of Daylesford, a tranquil retreat destination in Victoria. The Board noted the complainants' concerns and some members of the Board agreed that the tone and imagery of the advertisement was particularly 'art-house' in character and drew upon the analogy of light and dark spiritual experiences to portray the history (the Convent Gallery) and setting (healing mineral springs) and the activities which one may experience during the daytime or the night time. Although the advertisement was particularly 'art-house' and possibly 'dark' in character, the Board considered that the advertisement did not mimic the rite of Baptism or portraying 'possession' in a particularly strong or graphic manner and that most members of the community would not understand any religious references or be offended by the advertisement.

The Board listened to the background music and noted that the advertiser had provided the title to the song "Down to the River to Pray" which is an African American folk song. Members of the Board agreed that some members of the community might mistakenly identify the song as "gospel music", however agreed that most members of the community would not be offended by the portrayal of the woman with the accompanying background music.

The Board agreed that the advertisement did not breach section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states:

"Advertising or marketing communications, shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted that the young woman in the advertisement was at all times depicted in a fully-clothed manner or in a swimsuit and that the advertisement did not portray the woman in a sexualised manner or display nudity. The Board noted the scene in which the woman and man are kissing underwater and considered that although depicting intimacy this depiction was not inappropriate. The Board agreed that the advertisement did treat sex, sexuality and nudity with sensitivity and did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.