



## CASE REPORT

1. Complaint reference number	440/09
2. Advertiser	Target
3. Product	Clothing
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Wednesday, 14 October 2009
7. DETERMINATION	Dismissed

## DESCRIPTION OF THE ADVERTISEMENT

This TV advertisement with a young woman wearing a t-shirt that says: "I love your t-shirt" and she smiles at a man across the street. His t-shirt says ""thanks". Then she takes off her t-shirt to reveal another t-shirt which says "I'm a hardcore tofu loving, vegan cat fancier". The guy across the street removes his t-shirt to reveal another that says: "ouch". She then takes that t-shirt off to reveal another t-shirt which says: "only joking I love beef". He reveals a t-shirt which says he makes an excellent stroganoff and she reveals a t-shirt that says that she will eat to that. She then hops onto a bus and drives away. The caption says: "target t-shirt fest".

## THE COMPLAINT

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

*The code of ethics s2.1 states that an ad may not vilify a person or section of the community. This commercial implies that a person is less valuable/less attractive/open to shunning because they are a vegan. I find this very offensive. I consider vegans to be a section of the community and this commercial vilifies them to the extent I believe it breaches 2.1.*

*I refer you to some of your previous decisions where you have decided for example that men with erection problems are a 'section of the community' and I think what would have happened had the T-shirt vilified another section of the community for example if the shirt said 'I am a feminist' or 'I am muslim'. I don't understand why vilification of vegetarians/vegans is acceptable where these situations are not. First Ingham's tvc, now this - where will you draw the line? Or just because our personal beliefs do not fit into a 'religion' is it open slather in terms of our vilification?*

*Please, I urge you to consider encouraging respect of my and many other's beliefs by finding this commercial in breach and sending a message that vilification of vegetarians/vegans is unacceptable in today's society.*

*As a hardcore, tofu-loving vegan person who also loves cats, I think this ad is pretty low. The media, and advertisers in particular, are always willing to stick the boot into vegans and vegetarians.*

*Myself and others find it offensive to be vilified by a compassionate and peaceful lifestyle choice. If the shirt joked about her race, religion (especially if it had been not being able to consume animal products due to religion), or sexual preference, the ad would be pulled immediately. Veganism is just as much an intrinsic part of our identities as the above, and has the same emotional results as ads which are overtly sexist or offensive in other ways.*

## THE ADVERTISER'S RESPONSE

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

*We understand that the complaints relate to a television commercial for t-shirts featuring a young man and woman communicating to each other by progressively removing t-shirts with slogans on them. This television commercial was broadcast nationally from 16 August to 5 September.*

*Attached for your information is a soft copy of the television commercial, together with a copy of the script. The CAD reference number for this television commercial is GQMIOAO. The advertising agency is The Campaign Palace, and the media buyer is Universal McCann. The behaviour depicted in this television commercial is light-hearted and humorous flirtation, and is not intended to single out and ridicule vegans.*

*We note that the t-shirt slogan that has attracted complaints states, "I'm a hardcore tofu loving vegan cat fancie!". We note that this slogan does not focus solely on the fact that the character is a vegan, but also a "cat fancier". The slogan itself does not ridicule vegans in any way and does not expressly state that being a vegan is a bad or undesirable lifestyle choice. The response of the male character is not one that can be characterised as overtly negative. The character's response upon reading the slogan is to exhale in surprise and reveal another t-shirt, however to continue to smile. We note that the t-shirt slogan response is "Ouch" which could be interpreted in a number of different ways. The further exchange of "Only joking. I love beef", "I make an excellent beef stroganoff" and "I will eat that" is intended as a continuation of flirtation and does not expressly ridicule or vilify vegans.*

*Provision 2.1 of the Code states that advertisements shall not discriminate against sections of the community "on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief", which arguably vegans do not fall under. Accordingly it follows that "vegans" or "vegetarians" are not necessarily identifiable sections of the community for the purposes of discrimination under the Code. We note that this may apply to this particular television commercial as the slogan itself does not identify the reasons why the character is potentially a vegan - ie it is unclear as to whether it is for religious, political, ethnic or health reasons, or simply as a lifestyle choice.*

*We note that the ASS has previously taken the view that in order for an advertisement to be in breach of section 2.1, it has to expressly hold an identifiable section of the community up to ridicule. In the context of this television commercial, Target's view is that what is taking place is light-hearted and humorous rather than targeted and malicious. We note that ASB decision Case No. 258/09 - Ingham's Enterprises in which complaints were received over an Inghams television commercial campaign with the tagline "if you don't like chicken there is something very wrong with you". The ASS dismissed the complaints and stated in its decision that the style of the advertisement was meant to be humorous and "agreed that most vegetarians would find this advertisement amusing as it pokes fun at itself and chicken eaters generally." As indicated above, the behaviour depicted in the Target television commercial does not ridicule of vegans in tone, but rather is light-hearted and humorous.*

*Further, the fact that the slogan is a combination of "vegan" and "cat-fancier" suggests that the combination is meant as a humorous example of what that particular character may find challenging in a romantic partner. There are a myriad of characteristics that an individual may find attractive in a partner and this can vary according to each individual based on unique tastes and preferences. Highlighting this in a light-hearted context does not amount to a general negative reflection on any person or group. We note the recent ASS decision Case No. 370/09 - Coca Cola South Pacific considered a similar situation as complaints were received over a Coca Cola TVC in which a young man mused about what would make life better, and vocalized his thoughts, which included "a girlfriend without a five year plan". The ASB dismissed the complaints on the basis that "the Board considered that this advertisement depicts women/girlfriends as a good thing, and that a comment that a girlfriend with five year plan is a 'downside' is not a comment that is demeaning to women. In the Board's view this comment is depicted as a reflection of this particular young man and is a relatively minor part of the overall advertisement. The Board considered that the advertisement does not depict women in a negative light nor does it suggest that women are nags".*

*Accordingly, Target does not believe this television commercial contravenes Section 2 of the AANA Code of Ethics.*

## **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 vilified vegans and that such a depiction sent out the message that vegans were less attractive than meat-eaters.

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

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code 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 agreed that the depiction of the woman and man in a flirtatious encounter was not intended to vilify or demean those who choose to be vegan. The Board agreed that some members of the community may consider the messages exchanged between the man and woman, to constitute a personal attack and could be offended by the statement "ouch" when the woman disclosed that she was a tofu loving vegan. However, on balance, the Board agreed that the community in general, would find the advertisement to be lighthearted and that it did not depict any negative or demeaning images of any particular sector of the community.

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