



CASE REPORT

1. Complaint reference number	453/07
2. Advertiser	Herringbone Classic Clothing
3. Product	Clothing
4. Type of advertisement	Print
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1
6. Date of determination	Wednesday, 16 January 2008
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement is headed "Why you should never buy a shirt tailored by a Bulgarian" and features photographs of a man, Henri Bouvois, who is French and has very small hands. His hands are shown sewing bespoke shirts alongside a photo of three slovenly-dressed men whose clothing is described as "Bulgarian Haute couture" and another of a laneway of crooked brick buildings described as "The typical quality of French bricklaying." Text in explanation reads "Hand made shirts are only as good as the hands that make them. Precisely why Henri Bouvois is our head tailor. With a hand span that measures a meagre 6cm, only his hands come with the required agility to construct a shirt with no less than 11,347 stitches holding all 19 of its separate components together. Henri is from France, a nation of small, dainty men. They are known for refined activities like etching and playing the flute. This gentle predisposition may also explain why the French are more renowned for creating fine fashion garments than they are for say, bricklaying. It is also why Bulgarians are not known for their tailoring abilities, as they typically have fingers like large salamis. Never buy a shirt made by a Bulgarian. For the finest detail, only buy shirts made by tailors with small hands. And there is no tailor on Earth with smaller hands than our Henri."

THE COMPLAINT

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

It offends the sensibilities of ordinary civilised people and is in plain breach of the AANA Advertiser Code of Ethics Section 2.1 "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 ... ethnicity,... nationality.

I believe the advertisement is racist and demeaning towards Bulgarians. The content of the advertising states "It is also why Bulgarians are not known for their tailoring abilities, as they typically have fingers like large salamis." And "Never buy a shirt made by a Bulgarian.". Maybe this was an attempt at humour, though I fail to find the funny side and I don't believe any race should be demeaned in such a way. I must state that I am not Bulgarian, have no connection to the country but am outraged that a nation can be portrayed in such a poor way – I honestly thought such advertising was illegal in Australia, it appears I am wrong.

I wonder whether this racist view was meant to be whimsical or amusing? I doubt if the many Australian Bulgarians would have found either the headline or the associated text declaring that Bulgarians 'typically have fingers like large salamis', particularly droll. As Anglo-Australians we thought them offensive.

THE ADVERTISER'S RESPONSE

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

The advertisement in question is one of a series which tells an imaginary story of a fictional tailor and is so fantastical in nature that we do not believe it could be seen by the reasonable reader as any factual depiction of French or Bulgarian people. It is written in a light-hearted, humorous way and was not intended to cause offence.

This particular advertisement was run as a one-off in the Sydney Morning Herald on Tuesday December 18th 2007, immediately after an equally fantastical and whimsical one on the Monday and followed by another on Wednesday. Seen in isolation, we do not believe the reasonable reader would be likely to take the statements about Bulgarians seriously. When seen as part of this series of ads in similar positions on consecutive days, the whimsical nature of the advertisement is further enforced.

Please also take into consideration that our advertising agency sought legal counsel for this advertisement on our behalf prior to it being published. It was the considered opinion of their media lawyers that the advertisement was fit for publication without risk of causing offence to the reasonable reader.

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 discriminated against or vilified Bulgarian people and noted that the advertiser has published a letter of apology in a prominent Sydney newspaper.

The Board considered that the advertisement did denigrate physical characteristics of an identifiable group of people - ie: Bulgarian people. The Board considered that the references to 'hands like large salamis' and no tailoring skills went beyond a light hearted poking fun in this advertisement and amounted to discrimination against people on the basis of their nationality.

The Board also noted that the advertisement makes similar comments in relation to the quality of French bricklaying skills and that in the context of this advertisement this reference was also vilifying of French people.

The Board determined that the advertisement portrayed people in a way that discriminated against a section of the community on account of nationality. Finding that the advertisement breached section 2.1 of the Code, the Board upheld the complaints.

ADVERTISER'S RESPONSE TO DETERMINATION

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

Further to your email of 18/01/08 regarding the Advertising Standards Board's decision to deem the Herringbone advertisement in breach of the Advertiser Code of Ethics (2.1), I am writing to provide our 'Advertiser's Statement' confirming the discontinuation of the advertisement.

Thank you for your time and consideration in this matter.