



## **CASE REPORT**

1. Complaint reference number	477/08
2. Advertiser	AAPT
3. Product	Telecommunications
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Race – section 2.1
6. Date of determination	Wednesday, 10 December 2008
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement opens with a police car at the side of a suburban road. The policeman looks startled as a young woman wearing glasses and the costume of a Native American rides by on a horse. He follows her with his siren blaring. She raises her hand and says "How!" to him and he asks her what she is doing. When she responds with "Don't worry paleface, I'm dreaming", he says "No you're not". She then says "I must be, I called AAPT and they said I could get my home phone, mobile and broadband on one bill for less than \$110 a month, so I'm pretty sure I'm dreaming". A voice over explains what is available under this deal and the advertisement closes with the AAPT phone number and web address.

## **THE COMPLAINT**

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

*As an American of mixed descent living in Australia, including Native American descent, I find that this commercial perpetuates a negative, outdated, incorrect image of Native Americans. Mocking the dress and battle practices of this group is considered highly offensive, especially when used to sell products. Mocking Native Americans to sell communication services is considered fairly tacky. If the ethnic group had been changed, to say, Chinese, and used similar late 19th century western stereotypes of Chinese in the same fashion, this ad would be pulled immediately. Unnecessarily including an ethnic group in an advertisement as a subject of mockery or derision is beyond good taste and ethical behaviour.*

## **THE ADVERTISER'S RESPONSE**

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

*In relation to the Complaint, we would like to make the following comments:*

*(a) AAPT takes complaints of this nature very seriously and certainly does not seek to discriminate against people or offend the members of the public in any of its advertising. AAPT is committed to engaging in genuine, energetic and irreverent communication with the public and to "telling it like it is" in a straight up way. AAPT is also committed to ensuring that its advertising is legal, decent, honest and truthful and that it is prepared with a sense of obligation to the consumer and the community at large.*

*(b) It is AAPT's view that the Commercial respects the AANA Advertiser Code of Ethics. In particular, AAPT believes that the Commercial does not portray people in a way which discriminates against or vilifies a person or section of the community on account of ethnicity or race for the reasons set out below.*

*This Commercial is one of a series of commercials depicting people acting in absurd ways because they believe that they are dreaming. The actions portrayed in the Commercial are intended to depict an exaggerated, bizarre and unreal situation, based on the understanding that it is common for dreams to contain situations that are illogical, absurd, or impossible. The advertisement depicts an Australian woman, riding along an Australian highway, wearing a costume that is similar to Native American battle dress, having a conversation with an Australian policeman. This ridiculous and amusing situation would be understood by viewers to be only possible in a dream. In this Commercial the use of a costume similar to a Native American war dress and the use of the whoop does 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 or ethnicity and is not intended to mock the dress and battle practices of Native Americans. The Commercial is entertaining and unrealistic and not an actual representation of a real life situation. In no way did we intend to portray Native Americans in a mocking or negative way.*

*AAPT regrets any distress or offence caused to the complainant and has carefully considered the views put forward in the Complaint. Although AAPT does not agree with those views, we reiterate our commitment to the AANA Advertiser Code of Ethics and to ensuring that our advertising does not discriminate against or vilify a person or section of the community on account of race or ethnicity.*

## **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 on the basis of race. The Board considered the depiction of a caucasian woman in stereotypical Native American dress was light-hearted and intended to be humorous. The Board considered that, while some people may be offended by this depiction, the advertisement did not discriminate against or vilify Native Americans or any other section of the community. The Board therefore found no breach of Section 2.1 of the Code.

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