



CASE REPORT

1. Complaint reference number	499/06
2. Advertiser	The Herald & Weekly Times (Herald Sun - Ashes cricket pins)
3. Product	Media
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1 Violence Other – section 2.2 Health and safety – section 2.6
6. Date of determination	Tuesday, 12 December 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on three men with the England flag painted on their chests leaving the cricket ground, while in another location, an Australian fan is holding a doll with the England flag painted on its chest, sticking a pin into the doll and causing the three England fans to grab their stomachs in pain. This happens again when the Aussie fan sticks a Shane Warne pin into the doll's buttocks, a Brett Lee pin into its leg and a Ricky Ponting pin into its arm, the latter causing the three men to spill their beers in a pub. Thourout a male voiceover announces "This summer, Aussie cricket fans can stick it to the Poms! Celebrate the 3 mobile Ashes series by collecting your Ashes Action Pins, including Warney, Brett Lee and Ricky Ponting. There are fifteen pins to collect. Get your free album this Wednesday, and free Shane Warne pin this Thursday, only with the Herald Sun.

THE COMPLAINT

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

I think it is racist, incites racism and I doubt it would be on air aimed at any other culture. (eg I doubt you would allow an ad which encouraged Australians to "stick it to the Pakistanis" when that countries (sic) team is touring.

This is voodoo witchcraft and should not be portrayed because of the influence it could have on a broad audience. May be done in innocent fun however such behaviour can have serious consequences.

THE ADVERTISER'S RESPONSE

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

The basis of the advertisement is the traditional rivalry between the Australian and English cricket supporters. The rivalry dates back to 1882, and in 2006 it's stronger than ever as Australia attempts to win back the Ashes in one of the most anticipates Cricket series of the last 16 years. The English supporters, or the Barmy Army, are as well known as the team they support. The depiction of Barmy Army supporters is fun and light hearted.

This advertisement does not discriminate against or vilify persons or section of the community. The line 'stick it to the poms' and the visual of a man sticking Ashes Cricket Pins into a doll are not racist or designed to incite racism.

Great effort was taken to establish a humorous and light hearted tone and manner in the advertisement. The casting of amusing characters, the over-exaggerate character actions, props,

and the music choice collectively worked to provide a comical advertisement.

The tone and execution were key factors in ensuring the advertisement did not incite racism and was not perceived as maliciously discriminating or vilifying persons or sections of the community.

Furthermore, the Human Rights and Equal Opportunity Commission has deemed the words 'pommy' and 'Pom' not to be racist or racially offensive. 'Stick it to 'em' is slang for taking on the competition and is generally used as a sporting term.

Attached as Appendix 1 is a recent article printed in the Herald Sun discussing the use of the word 'Pom'. Dr Bruce Moore, Head of the Australian National University's national dictionary centre, said the term 'Pom' is part of the Australian tradition of rhyming slang and should not be construed as offensive.

Again, tonally we ensured that the sticking of the pins in the doll and the actors' reactions were comedic and completely non-violent. The overstated reactions of all characters ensured the execution achieved the tonal objectives.

The man sticking the pins into the doll is used to show the intense rivalry between the Australian and English supporters and to create a link to the Herald Sun premium; collectable Cricket Ashes pins.

The doll used in the advertisement is comical and cartoon-like and not a traditional African voodoo doll. In addition, the pins used to stick into the doll are Shane Warne, Brett Lee and Ricky Ponting collectable pins, not traditional voodoo pins.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board viewed the advertisements in question and considered whether the advertisements breached Section 2.1 of the Code dealing with discrimination and vilification.

The Board considered carefully the complainants' comments that the advertisement was racist.

The Board considered the nature and usual intention of the word "Pom" when used in Australia and agreed that the term is used largely with non-hostile, playful and often affectionate intentions. The Board took account of the advertisement's context - namely cricket - and noted that there has been an historical, affectionate rivalry between the two countries (Australia and England) and no recent history of racial antagonism.

The Board also considered the use of the phrase 'stick it to the Poms!' which it held to mean 'defeat the English soundly! [at cricket]'. Rather than encouraging violence toward the English, the Board felt the advertisement was merely celebrating the prospect of the Australian cricket team defeating the English in the Ashes series.

On balance, with regard to prevailing community standards, the Board concluded that the use of the word "Pom" was not regarded by the wider Australian community as discriminatory or vilifying of persons of British extraction. Hence the Board found that the advertisements in question did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement breached Section 2.6 of the Code, dealing with prevailing community standards on health and safety. The Board considered the footage of English cricket fans feeling the painful effect of an Australian fan sticking a pin into a voodoo doll. The Board agreed that the images were merely an extended metaphor for 'sticking it to the Poms' and was unlikely to lead to any harm in the community. The Board held that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.