



CASE REPORT

1. Complaint reference number	510/06
2. Advertiser	Pepsico Australia Holdings (Gatorade - Barmy Army)
3. Product	Food & Beverages
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1
6. Date of determination	Tuesday, 16 January 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

There are two television advertisements in this series.

1. A young man attempts to chat up a woman in a pub and is interrupted by the Barmy Army singing to the tune of "You'll Never Walk Alone". The lyrics are "Dream on, dream on, with hope in your heart, But she won't go home with you...."

2. A bus travels over a bump causing a male passenger to spill coffee on his clothes. The Barmy Army, also passengers, appear singing "If you're clumsy and you know it clap your hands, Everyone will think you wet your pants. If you're clumsy and you know it, Drinking coffee ought to show it, If you're clumsy and you should go and change your pants.

A voiceover concludes both ads asking "Wanna take on the barmy Army? Show your Aussie pride and win tickets to the 3 Mobile Ashes series, with Gatorade. Is it in you?"

THE COMPLAINT

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

The Tooheys ad uses racially unacceptable slurs against english people by calling them Poms... shows ignorance and would not be tolerated if it was against aboriginal or muslim people.

Contrary to the belief of many Australians the word pom was, has and still is being used as a racist slur. ..It is not and never will be a term of endearment. I would like to see a tolerant society where selective racism is not tolerated.

THE ADVERTISER'S RESPONSE

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

The campaign Gatorade ran in the lead up to the Ashes did not include billboards nor refer to or use the word "poms" or any variations of this word. Two different executions of TV commercials drove the mainstream media activity. This campaign refers only to Australian patriotism and there are no negative inferences towards the English supporters, except for the suggestion that Australians should support their national cricket team as do the English via the Barmy Army.

The use of the term Barmy Army does not refer to the term "pom" nor have racially negative connotations as it is in fact the name that English supporters gave themselves.

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 advertisement and considered whether it breaches Section 2.1 dealing with discrimination based on nationality.

The Board noted that the advertisement did not refer to a nationality, but merely to the "Barmy Army", an official self-titled group of supporters of the English cricket team. The Board noted that there was no language or depiction that implied discrimination or vilification of the Barmy Army or English people generally. Hence the Board agreed that the advertisement did not vilify or discriminate on the basis of nationality.

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