



## **CASE REPORT**

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| 1. Complaint reference number | 64/10                                    |
| 2. Advertiser                 | Autobarn                                 |
| 3. Product                    | Vehicles                                 |
| 4. Type of advertisement      | TV                                       |
| 5. Nature of complaint        | Language – use of language – section 2.5 |
| 6. Date of determination      | Wednesday, 24 February 2010              |
| 7. DETERMINATION              | Dismissed                                |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement depicts a well-known comedian selling products from autobarn, he refers to Christmas as XMAS.

## **THE COMPLAINT**

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

*I object strongly to the word "XMAS" being used instead of the word "CHRISTMAS" - the word "XMAS" takes CHRIST out of Christmas, this is well known, and the fact that a person of Middle Eastern appearance, who would most probably be of Muslim faith, makes the advertisement extremely offensive to myself and I am sure, many other Christians. Please be assured I am not a fanatic, far from it, I simply believe Christmas is about Christ.*

## **THE ADVERTISER'S RESPONSE**

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

*Our Christmas series of advertisements containing characters from the SBS television show "Fat Pizza" and "Swift & Shift" commenced on December 15 2009 and concluded on December 24 2009.*

*The characters and situations depicted in the advertisement are meant to show the characters in similar situations that they would be in as part of the Fat Pizza or Swift & Shift television show on SBS television and are meant to be humorous, harmless and memorable.*

*Prior to releasing the advertisements, we conducted a number of focus group activities to gauge consumer response to the ads, and found that the advertisements were not seen to be offensive to the groups polled.*

*Fat Pizza, Swift & Shift and the shows characters have been seen consistently in Australia on SBS for over 10 years and, like many other Australian TV Comedy shows, has attracted a strong and loyal following.*

*As with all our television advertising campaigns, we have CAD approval of the series.*

*In reference to the specific complaint regarding the use of the term "XMAS" rather than "Christmas", we advise that the use of the term "Xmas" was only used at the end of one of three TVCs, with the main theme focussing on Christmas, as well as the Pauly character using the word "Christmas" at the beginning of the TVC. The other two TVCs did not contain the term "Xmas".*

*We confirm that the use of the term “Xmas” in this one instance is consistent with a term that the character of Pauly from the television series may use, and the followers of the show would expect.*

## **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 complainant's concern that the advertisement was offensive to Christians.

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 which relates to vilification and discrimination.

The Board noted that the character in the advertisement was a well-known and respected comedian who has appeared in many television programs and advertisements. The Board noted that the reference by the comedian to XMAS instead of Christmas has been commonly used as an abbreviation for the word Christmas and that most people in the community would consider that use of this term did not denigrate Christianity. The Board determined that the use of the term XMAS in this advertisement did not discriminate against or vilify any section of the Community and that the advertisement did not breach section 2.1 of the Code.

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