



## **CASE REPORT**

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| 1. Complaint reference number | 88/08  |
| 2. Advertiser                 | Commonwealth Bank of Australia (cricket research)        |
| 3. Product                    | Finance/Investment                                       |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Discrimination or vilification Nationality – section 2.1 |
| 6. Date of determination      | Wednesday, 9 April 2008                                  |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

There are two television advertisements in this "cricket research" campaign, both of which feature an American advertising agency pitching its concept of cricket to a focus group, consisting of members of the Australian cricket team shifting awkwardly in their seats.

In the first advertisement the account manager (Luke) asks, obviously after the group has viewed the ad, "Is it boring? Do we need to add something...to it?" The American agents and Commonwealth Bank reps observe from behind one-way glass. A bank rep asks the American agent "Is he trying to provoke them?" Back in the room Luke tells the cricketers "This game was obviously created prior to elbows..you know" and he imitates an overarm action. Luke continues "I have some slogans I want to throw out..." The bank reps, feeling sorry for the cricketers comment "You really should get them out of there", but the Americans enthusiastically disagree "But he's on fire." The Commonwealth Bank logo is shown with the tag "Determined to be different" as Luke delivers his final touch "Cricket, watch us stand."

In the second advertisement the same scenario is followed with two "Lukes" pitching the concept in a different way by asking questions of the cricketers. "Who plays...who's position is the distributor? You know the...who's the slingshotter?" The cricketers look embarrassed and bemused as they're asked "Who's the whippest? There's the runway...that's what I call it...and then the gate...who's trapped there?" The Commonwealth Bank observers behind the glass ask the American agents "He does know who they are - right?" The cricketers in the focus group are then asked "Sweaters...what's going on with the sweaters? It seems formal." and the other "Luke" comments "Like I wear a sweater when I'm reading a book on a cold day?" The cricketers try to stop themselves from laughing. The Commonwealth Bank logo is shown with the tag "Determined to be different."

## **THE COMPLAINT**

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

*The ad suggests that Americans are ignorant which is a racial stereotype and offensive. As the ad was broadcast in Victoria, it is clearly in breach of Victoria's Human Rights Charter and no doubt in breach of a range of other discrimination and racial vilification laws.*

## **THE ADVERTISER'S RESPONSE**

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

*The advertisements you refer to are part of a series of commercials which have been created in a 'mock'umentary style. They are designed to tell a story over time, through the development of humorous characters and outrageous fictitious advertising ideas. These characters have been*

*developed within the concept of a fictional American advertising agency presenting ideas to a fictional Commonwealth Bank marketing team.*

*The over the top presentations from the fictitious advertising agency are contrasted with the sensible responses from the fictitious marketing team, who are trying to communicate that we are "Determined to be different."*

*The advertisements referred to in the complaint are two of our cricket executions, in which the fictitious advertising agency sits in a focus group with members of the Australian cricket team. The fictitious agency characters are portrayed as not understanding the intricacies of cricket, or the cricket team members. The humour here is intended to be light-hearted in nature.*

*The advertisements were in no way intended to discriminate against Americans. They play on a lack of familiarity the fictitious agency has around the game of cricket, such as an Australian agency may not understand the intricacies of baseball or American football. That is the basis for the humour in both of the advertisements in question.*

*Please note that it was not our intention to portray Americans as ignorant, or to offend in any way. Indeed, the campaign, including these two advertisements, was created by our (real) advertising agency, Goodby Silverstein & Partners, an American advertising agency.*

## **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 complaints' concerns and considered the advertisement under section 2.1 of the Code which deals with discrimination.

The Board viewed the television advertisement and noted the obvious humour. The Board further noted that the main character delivered his lines in an over the top manner which was contrasted with the conservative responses of the rest of the characters.

The Board then considered the advertiser's response which stated the commercial had been created by an American company and that it was sending itself and advertising agencies up generally. The Board determined the deliberate use of iconic Australian pastimes such as cricket was intended not to discriminate against other cultures but to highlight activities considered to be particularly Australian.

The Board found that the advertisement was light hearted in nature and did not discriminate on the grounds of race or nationality and therefore did not breach Section 2.1.

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