



CASE REPORT

1. Complaint reference number	95/07
2. Advertiser	Castrol Lubricants (Magnatec)
3. Product	Housegoods/services
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Nationality – section 2.1
6. Date of determination	Tuesday, 10 April 2007
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on Australian cricketer Adam Gilchrist driving on a country road and being overtaken by another car painted in England cricket team colours and carrying members of the "Barmy Army". As they recognise "Gilly" they start singing "Engerland Engerland Engerland...." and making "big ears" gestures, which Gilly takes good-naturedly, smiling. Further up the road, Gilly comes across the same car, broken down on the side of the road, where he is flagged down by the men, who are over-awed to realise he intends to stop and help. They now appear very contrite and thankful as Gilly checks under their car's bonnet to assess the trouble. One of the Englishmen asks "What do you reckon?" to which Gilly replies straight-faced "Few intelligent molecules might have helped" and advises the drivers they should have been using Castrol Magnatec oil. Gilly complies when they ask for a lift, and while in the car he is asked "Can you get us any tickets?". They receive the answer "Get you a ticket for a flight home if you like?" at which they laugh.

THE COMPLAINT

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

The presentation and content of the advertisement reinforces false racial stereotypes of English tourists. The advertisement reinforces these racial stereotypes, and is thus offensive, in the following ways: - All of the occupants of the car are shown as overweight and pale-skinned, inferring falsely this to be typical profile of English people. - All of the occupants are shown to be clearly sun-burned about the face, inferring falsely that English people are not intelligent enough to avoid this condition. - The use of the term 'molecular intelligence' is used to describe the product in such a way that an inference is made that the English tourists are not intelligent. Whilst general banter and competitive rivalry between Australia and England is generally viewed as acceptable, this particular advertisement is offensive in the way that it promotes false and racial stereotypes.

THE ADVERTISER'S RESPONSE

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

With respect to the complaint received by email on 5 March 2007, we do not believe it to be substantiated when viewed in the context of the advertisement, for reasons listed below:

- The entire commercial is good-natured humour and demonstrates only friendly rivalry between English cricket fans and Adam Gilchrist (Gilly), the Australian Cricket Team's wicketkeeper. This is evidenced by the friendly banter and chanting as the Englishmen's car overtakes Gilly's and his friendly response (wave, laugh and "see you later") to the lad in the back-seat waving bread rolls around as if they were Gilly's ears. (As an aside, two of the four actors playing the

Englishmen were in fact English and enjoyed playing their roles with aplomb.)

- Castrol Magnatec's new product proposition is around "intelligent molecules" and we needed a storyline that included this as a humorous, non-offensive, yet memorable way. When Gilly says ... "Few intelligent molecules might have helped ... you blokes should have been using this", the joke revolves around the initial implication that the Englishmen weren't thinking, but was quickly followed with the product story and technical message. It's intended as a friendly way for Gilly to reply to their "big ears" joke.
- With respect to the comments regarding the appearance of the Englishmen being "false racial stereotypes of English tourists" namely being overweight; of the four actors cast, only one could be described as overweight - the other three men were of average weight. They appeared to squeeze into the back seat of the car, as would three grown men of any nationality.
- With respect to the comments regarding the Englishmen being "pale-skinned" and "sunburned about the face, inferring falsely that English people are not intelligent enough to avoid this condition", we acknowledge that all four of them had some evidence of sunburn - as would anyone who has been a spectator at the cricket all day ... irrespective of their nationality.

As BP is a British company, prior to making these advertisements, we gained approval from our global Head Office in England. BP plc has a stringent Diversity & Inclusion policy and does not condone behaviour that is anyway prejudicial or discriminatory. As these advertisements were placed on Castrol's website in November, ahead of the Ashes Series, and the web is a global forum, it was essential to gain global approval.

On behalf of BP Australia Pty Ltd, we trust that we have provided sufficient information to alleviate any concerns held by the ASB and hope that the ASB will view this advertisement in the humorous, non-prejudicial and non-discriminatory manner in which was intended.

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.

While the Board acknowledged that the advertisement employed the use of stereotype in respect of "Barmy Army"-style English cricket fans, it was done so in a playful, over-the-top manner. The Board noted that there was no language or depiction that implied discrimination or vilification of English people more 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.