

Case Report

1. Case Number :	0010-23
2. Advertiser :	ALDI Australia
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	8-Feb-2023
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man feeding fruit to a woman laying on a couch.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

As someone's who's family was affected by the indentured labour system of colonial Britain where my family was effectively kidnapped from India to work in the pacific islands, this kind of advertising is deeply offensive to me and all people of colour that have a history of slavery and colonial abuse. An ad of a coloured man hand feeding a white woman is reminiscent of black/coloured people displacement and servitude in the hands of colonial white people. This ad should be taken off the screen.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

The complaint to which we are responding describes the ad as being "an Aldi ad that had a man of colour feeding a white woman tropical fruits while she lay on a sofa".

The complaint is as follows:

As someone who's family was affected by the indentured labour system of colonial Britain where my family was effectively kidnapped from India to work in the pacific islands, this kind of advertising is deeply offensive to me and all people of colour that have a history of slavery and colonial abuse. An ad of a coloured man hand feeding a white woman is reminiscent of black/coloured people displacement and servitude in the hands of colonial white people. This ad should be taken off the screen.

While not expressly stated, the complaint appears to be that the ad discriminates against, or vilifies, people of colour.

The relevant provision

The relevant provision is section 2.1 of the AANA Code of Ethics (the Code) which provides that advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

ALDI response to the complaint

ALDI submits that, applying the prevailing community standards test, the ad complained of (whether viewed in isolation or appreciated to be part of a series) could not reasonably be understood in the way the complainant suggests.

First, those viewers who had seen other ads in the ALDI Christmas ad series would recognise the characters in the advertisement complained of as being members of the extended family enjoying an ALDI Christmas lunch.

Secondly, the Uncle Tim character is not portrayed in the way that the complainant suggests; that is, as a "slave", and a person of colour acting in a subservient way towards a white person.

The fact that the Uncle Tim character is a person of colour, and the woman is white, is a reflection of the gender and ethnic diversity of the broader Australian community, and could not reasonably be understood as communicating anything demeaning - let

alone discriminatory or vilifying - about the person doing the feeding. From his clothing and demeanour Uncle Tim is not a slave, or playing the role of a servant. He is a quirky guest at a Christmas function, seeking to assist another guest in a humorously over-enthusiastic manner.

There is no portrayal of less favourable treatment of the Uncle Tim character, nor is there anything in the ad that could reasonably be understood by ordinary members of the Australian community as humiliating; intimidating; or inciting hatred, contempt or ridicule towards the Uncle Tim character in particular, or men (or people) of colour generally.

While ALDI regrets that the advertisement caused offence to the complainant we respectfully submit that any offence arose as a result of a strained and unreasonable interpretation of the ad on the part of the complainant.

Compliance with the Code

For the reasons set out above, ALDI respectfully submits that applying prevailing community standards, the advertisement cannot reasonably be understood in the way suggested by the complainant, and is not in breach of section 2.1 of the Code or any other part of section 2 of the Code. We respectfully request that the complaint be dismissed.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is reminiscent of indentured servitude of coloured people.

The Panel viewed the advertisement and noted the advertiser's response.

Section 2.1: Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?

The Panel noted the advertiser's response that these two people are family members and their depiction is part of a wider campaign. The Panel noted that it can only consider the individual advertisement complained of, as not all viewers would be aware of the wider campaign.

The Panel noted that there is a long history of people of colour having been forced to serve Caucasian people, including in Australia. The Panel considered that while diversity in casting is commendable, advertisers should be careful when casting for advertisements which may reflect historical inequalities.

A minority of the Panel considered that the reference to treating guests like 'Roman Gods' was a direct suggestion that the man depicted should serve or worship the woman. A minority of the Panel considered that given the negative historical context of the depiction of a person of colour serving a Caucasian woman, the advertisement does portray a suggestion that the man should be thought less of because of his race. A minority of the Panel considered that the man was seen to be deserving of unfair or less favourable treatment because of his race and the advertisement was vilifying of the person of colour.

The majority of the Panel considered that the man's race and skin tone were not referred to in the advertisement and the man's actions were not related to his race. The Panel noted that the advertisement refers to how people should treat their guests and considered that the man is seen to be overfeeding his guest in a humorous manner. The Panel considered that the woman does not appear to be ordering the man to feed or serve her.

Overall, the Panel considered that the man was not seen to receive unfair or less favourable treatment because of his race. The Panel considered that the man was not depicted in a manner which ridiculed or humiliated him on account of his race.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaint.