

Case Report

1. Case Number :	0192-23
2. Advertiser :	Burger Urge
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	Poster
5. Date of Decision:	13-Sep-2023
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This poster advertisement features a religious figure nursing a burger. The figure is blue, with a melting cheese halo, and a third eye in the middle of his forehead.



THE COMPLAINT

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

For Christians this advertisement is offensive. This can be seen as a form of blasphemy.

It's an offence against God!!

THE ADVERTISER'S RESPONSE

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

We're disappointed that the complainant was offended with the artwork. This artwork, like all artwork we commission is not created with any ill intent, and certainly not to mock.

Creativity is a key part of our brand and at the heart of our product offering. The artwork we put on our products is provocative, and like all art, can elicit a variety of responses. We validate the multitude of perspectives on the topic of religion and don't seek to minimise any thoughts or feelings, positive or negative, that our campaign may have elicited.

Regarding the AANA Code of Ethics\2.1 Discrimination or Vilification\Religion

The artwork does not discriminate on anyone based on race. A large proportion of our customers and team members are Christian and this artwork does not depict or encourage we do not discriminate in anyway against them.

With the Cambridge dictionary defining vilification as:

The act of saying or writing unpleasant things about someone or something, in order to cause other people to have a bad opinion of them.

<https://dictionary.cambridge.org/dictionary/english/vilification>

This artwork isn't depicting unpleasant things in order to cause others to have a bad opinion of them. The image doesn't have any features would cause a reasonable viewer to think negatively of Catholics as a religious group.

THE DECISION

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 disrespectful of Christianity.

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

Section 2.1: Advertisements shall not portray 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 preference, religion, disability, mental illness or political belief.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

“Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

Religion – a belief or non-belief in a faith or system of worship”

The Panel noted that the advertisement refers to representations of Jesus in the classical pose holding a lamb, but he is depicted with blue skin and a third eye which are associated with the Hindu gods Vishnu and Shiva. The Panel noted that the third eye is referred to in Hindu, Buddhist and Taoist doctrine. The Panel noted that the image also refers to Australian artist Chris O’Dohery’s Australian Jesus works.

The Panel acknowledged that the advertisement may be considered by many viewers to be offensive and mocking of Christianity and Hinduism (among others). The Panel noted the definition of religion in the Code and considered that an advertisement must be discriminatory or vilifying towards the believers or followers of religions to be in breach of the Code.

The Panel considered that while the advertisement is a satirical representation of a religious figure combining imagery from several faiths, there is no language or imagery which humiliates, intimidates, incites hatred, contempt or ridicule towards, or depicts unfair or less favourable treatment of the believers or followers of those religions.

The Panel considered that community standards in this area are evolving, that there is an increased sensitivity in the community to the disrespectful use of religious references in advertising, and that this kind of advertising is unlikely to remain acceptable to the broader Australian community over time.

The Panel considered that while some viewers may prefer that advertisements not appropriate religious or cultural themes at all, this in itself was not a depiction which is discriminatory or vilifying.

Section 2.1 conclusion

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, nationality or ethnicity and 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 complaints.