

Case Report

1. Case Number :	0219-23
2. Advertiser :	Leaf Chief
3. Product :	Retail
4. Type of Advertisement/Media :	Billboard
5. Date of Decision:	11-Oct-2023
6. Decision:	Upheld – Not modified or discontinued

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This advertising above the shop features a cartoon image of a person in a feather headdress smoking a pipe.



THE COMPLAINT

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

It is racist and offensive

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

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 complainant's concern that the advertisement is racist.

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

Section 2.1: Advertising 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 orientation, 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."

The Panel noted that it had recently considered a poster version of this advertisement in case 0180-23, in which:

"The Panel acknowledged that community standards in this area are evolving, and that there is an increased sensitivity in the community to issues such as cultural appropriation and casual racism.

The Panel noted the advertiser's response that the advertisement does not depict any particular race. The Panel considered that the word 'chief' in combination with the image of a man in a feather headdress smoking a long pipe would be recognisable by many as a caricature of a Native American person.

The Panel considered that there is no apparent connection between Native American culture and the business being promoted. The Panel considered that this type of cultural appropriation is ridiculing of culture and cultural traditions.

The Panel considered that using cultural stereotypes in this manner suggests that this culture holds little worth and significance, and can be mocked and exploited for comedic effect and commercial purposes. The Panel considered that turning cultural beliefs into comedic stereotypes can be harmful to minority populations.

The Panel considered that the advertisement did humiliate and incite ridicule of Native American people.”

Consistent with the previous determination, the Panel considered that the current advertisement was vilifying of Native American people.

Section 2.1 conclusion

The Panel considered that the advertisement did portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race and determined that the advertisement did breach Section 2.1 of the Code.

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted that it had recently considered a poster version of this advertisement in case 0180-23, in which:

“The Panel noted that the advertiser is a tobacconist and the posters were intended to advertise the new business, and not particular tobacco or smoking products.

The Panel noted that it has consistently upheld complaints about advertising which showed people smoking, such as in cases 0087-23, 0073-23, 0024-22, 0205-20, 0164-20 and 0331-19. In these cases the Panel considered that while the community tolerates a level of smoking it does not tolerate images which promote smoking as glamorous or fashionable, or in a manner which attracts the attention of children.

In the current advertisement the Panel considered that the imagery in the advertisement was bright and cartoon like and would likely attract the attention of children. The Panel noted that the business sells tobacco products and considered that while the imagery on the storefront is relevant to the product being promoted, it presents smoking in a positive light. The Panel noted that smoking of any kind is generally viewed as contravening prevailing community standards.”

Consistent with the previous determination, the Panel considered that a cartoon image promoting smoking amounts to a depiction which is against prevailing community standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

Decision

Finding that the advertisement breached sections 2.1 and 2.6 of the Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

The advertiser has not provided a response to the Panel's decision. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.