

Case Report

1. Case Number :	0242-23
2. Advertiser :	Good Folk Brewing Co
3. Product :	Alcohol
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Decision:	25-Oct-2023
6. Decision:	Upheld – Modified or discontinued

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features a close-up image of a black can being held by a woman. The caption for the post says, "Once you go black...".



THE COMPLAINT

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

This has incredibly racist connotations by the phrase "once you go black". I am appalled that someone would think this was acceptable in this day and age.

THE ADVERTISER'S RESPONSE

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

- a. *Ad has been removed – in no way did we set out to offend anyone. If that was the case we removed the ad instantly*
- b. *It was a play on words about our black beer and not in anyway racist towards people.*

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' concern that the advertisement is racist.

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 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 the phrase “one you go black” was a shortened version of the well-known saying “once you go black you never go back”, a reference to the stereotype that once “you” (typically as a white person) have sex with a person of colour you will find it so enjoyable you won't want to have sex with anyone from another (typically your own) race.

The Panel considered that this statement is a form of fetishisation based on race. The panel considered that this discriminates against people of colour by dehumanizing them and reducing them to objects of sexual desire.

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.

Conclusion

Finding that the advertisement did breach Section 2.1 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

I have deleted the text of the add and will not re-post the advertisement with those words.

ABAC

The Panel noted that advertisements about alcohol products may be considered against the provisions of the AANA Advertiser Code of Ethics as well as the Alcohol Beverages Advertising Code Scheme (ABAC). The Panel noted that complaint/s in this case were referred to ABAC for assessment. The Panel noted that the ABAC Responsible Alcohol Marketing Code (ABAC Code) is an alcohol specific code of good marketing practice and has specific standards which apply to the promotion of alcohol products. The Panel further noted that it can only consider complaints about alcohol advertising under the concept of prevailing community standards as set out by the AANA Code of Ethics. The Panel noted that the advertisement may be considered by the ABAC Chief Adjudicator or the ABAC Adjudication Panel applying the ABAC Code, as well as this determination under the Code of Ethics