

Case Report

1. Case Number :	0154-24
2. Advertiser :	ALDI Australia
3. Product :	Retail
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Decision:	19-Jun-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a range of fruit, vegetables, whole grain bread, and fresh salmon with a \$42.75 price tag. A hand dings a meditation singing bowl that sits in between the products.

A voice-over says in a chant, "Ohhhhhmmmmmm. You can save 20% on wellness items with ALDI's exclusive braaa-aaa-aands."

The same arrangement of comparable ALDI items with price tag \$33.82. There's a stick of incense wafting smoke next to it.

The voice-over says, "Ohhhhhmmmmmm gonna stop talking like this now. (Clears throat) ALDI. Good Different."



THE COMPLAINT

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

The voice over mocks Hindu prayers.

There is an ad mocking Hindu rituals - specially the OM chant. This is a sacred chant and using it to mock or in advertising is insulting and rude.

If this was another religion - this would have been pulled down immediately.

How can you use such a sacred and sensitive symbol for a frivolous ad for a supermarket?

Om, such as it being "the universe beyond the sun", or that which is "mysterious and inexhaustible", or "the infinite language, the infinite knowledge", or "essence of breath, life, everything that exists", or that "with which one is liberated"

The Aldi ad on TV using the Hindu chant of Aum is highly offensive to Hindus. I do not think Aldi would dare release an ad with the Muslim call to prayer in the background!!

THE ADVERTISER'S RESPONSE

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

ALDI notes that Ad Standards has assessed the allegations against ALDI may raise issues under 2.1 of the AANA Code of ethics (Code). ALDI has addressed its response to section 2.1 of the Code and does not consider other parts of section 2 relevant to the allegations.

At the outset, ALDI denies the advertisement breaches the Code, and, specifically, section 2.1 of the Code. ALDI denies the advertisement portrays people or depicts material in a way which discriminates or vilifies any person, or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness, or political belief. ALDI submits that, applying the "prevailing community standards test", the advertisement complained of could not reasonably be understood to discriminate against, or vilify any person or section of the community.

ALDI has no tolerance for any form of discrimination or vilification against any persons or section of the community. ALDI notes, critically, the advertisement makes no reference to any particular person or community, and any association the

complainants have made to their community or religion has, in ALDI's submission been implied and is an unintended consequence.

A key focus for the advertisement is on making a basket comparison of grocery items which are generally associated with making more positive food choices related to health and wellness. Consistent with that theme, the advertisement provides a reference through the backdrop to meditation to highlight the 'wellness' products, noting meditation is a practice generally understood and associated with wellness.

The thematic backdrop reference to meditation and wellness is made utilising light-hearted humour consistent with all ALDI advertising - to highlight the type of products being represented. It is not intended to, or on any reasonable objective view, does not in any way call out, discriminate (be unfair or provide less favourable treatment), or vilify (humiliate, intimidate, incite hatred, contempt, or ridicule) any individual or section of the community.

The general reference to meditation as a practice recognises that many sections of the community, including those identifying with a wide range of differing religious beliefs, those who are agnostic, or whether a person is from a particular race, ethnicity or nationality, may either practice, or would associate the practice of meditation as being consistent with a healthy lifestyle and achieving wellness. Further, the use of an image of a Tibetan singing bowl simply highlights the theme of wellness underpinned by well-known practices of meditation. No reasonable viewer would consider this to be in any way a derogatory or negative portrayal of any person or section of the community.

ALDI submits that even if, as is the case with the complainants, some in the community have drawn a link between the advertisement to their particular religion, the material depicted is not unfair, or less favourable or humiliating, or could be seen to incite ridicule of a person or section of the community, because of their religion. The advertisement is not a negative or derogatory portrayal of their, or any religion.

The advertisement does not seek to or portray any person or section of the community unfairly. There is no message of negativity, intolerance, hatred, ridicule or singling out of any persons or section of the community. Further, the advertisement does not, on any reasonable or objective assessment, lead to any community or person receiving less favourable treatment, or to suggest contempt for, or incite hatred for any section of the community. On the contrary, the message is one of positivity, which through light-hearted humour, highlights the nature of the products. ALDI's notes its use of humour in this way is consistent with ALDI's general approach in its advertising, applying a dry and indirect form of humour in order to differentiate ALDI from its competitors through its 'good – different' approach.

In summary, the key focus of the advertisement and the very general reference to meditation as form of achieving 'wellness' does not identify the advertisement with

any specific section of the community. As such, for reasons set out above, ALDI denies the advertisement breaches section 2.1 or any other part of the AANA Code of Ethics, and does not consider the advertisement portrays people, or depicts material in a way which discriminates or vilifies any person, or section of the community. ALDI respectfully requests that the complaint be dismissed.

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 mocking and disrespecting of religions.

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.*

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 that the “om” or “AUM” chant holds significance in Buddhism and the Hindu, Sikh and Jain religions. The Panel also noted that the Tibetan singing bowl shown in the advertisement is used in Buddhist meditation practice.

The Panel considered that religious elements such as AUM and singing bowls have been incorporated into many secular practices, such as meditation and wellness practices.

The Panel acknowledged that religious appropriation can be offensive to people in religious communities.

The Panel considered that the chanting and the use of the singing bowl in the advertisement were part of the overall wellness theme, and was not depicted in a religious context or intended to depict or portray religious elements. The Panel considered that while the depiction necessarily incorporates some references to

particular religions (including Sikh, Hindu, Buddhist), there is no specific religion identified. The Panel considered that the depiction also refers to secular practices.

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

The Panel noted that while the voice-over was chanting, the ad did not use mocking accents.

The Panel considered that the use of religious elements does not in itself treat genuine religions unfairly or less favourably, nor does it present material in a manner that would be likely to humiliate or incite hatred, contempt or ridicule of those religions or their followers.

Section 2.1 conclusion

The Panel found 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.