

Case Report

1. Case Number :	0182-24
2. Advertiser :	Thirsty Camel
3. Product :	Alcohol
4. Type of Advertisement/Media :	Radio
5. Date of Decision:	24-Jul-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a woman saying, "Well hello. This is the camel. I, the better half of the handsome camel you all know so well, present to you this weeks most gorgeous drink specials and humour. What do Mexican's put under their carpet. Underlay, underlay." She then describes products which are on special.

THE COMPLAINT

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

It uses a racist "joke" as part of the advertisement.

THE ADVERTISER'S RESPONSE

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

In response to your email regarding a complaint registered with your organisation 19/6/24 for a radio advert on Smooth FM, please find the following information attached.

1. *A copy of the advert played on Smooth FM*
2. *Commentary by our Marketing Creative Agency*

Once you have had the opportunity to review, I am sure you will agree that the joke is merely a play on words and in no way a racial slur.

Below is some commentary provided by the director of the Marketing Creative agency we use.

See the commercials attached as requested, this was voiced by the "Female Camel" character....her character voice is a posh one, that's the design, she is the partner of the male camel and designed to be his polar opposite.

So her character voice is consistent with the rest of the commercial (and all her previous ones) because that's how she speaks...in a posh accent...true and consistent to the character.

If this was voiced in a normal Australian voice over like any corporate add it would make no sense.

Character voices are written for a character, that's the creative...simple?

Absolutely NO RACIAL IINTENT here, simply a consistent character written voice presenting some humour which is in keeping with our brand execution since 2008

THE DECISION

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

The Panel noted the complainant's concern that the advertisement featured a racist joke.

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.*
- *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*

The Panel noted the Practice Note to Section 2.1 states:

“A negative depiction of a group of people in society may be found to breach Section 2.1, even if humour is used. The depiction will be regarded as a breach if a negative impression is created by the imagery and language used in the advertisement of a person or group of people on the basis of a defined attribute listed above. Advertisements can humorously or satirically suggest stereotypical aspects of a group of people in society provided the overall impression of the advertisement does not convey a negative impression of people of that group on the basis of one or more of the attributes listed above.”

The Panel noted that the Spanish word "ándale" is an interjection often used to encourage someone to hurry up or to express enthusiasm or agreement. The Panel noted that the advertisement's attempt at humour required an understanding of the phrase in Spanish and its phonetic similarity to the English word "underlay".

The Panel considered that older audiences might recall the children's cartoon character Speedy Gonzalez, a Mexican mouse known for repeating the phrase "ándale", which was popular from the 1950s to the 1990s. The Panel acknowledged that there is ongoing debate within the community about Speedy Gonzalez and with some viewing the character as reinforcing outdated Mexican stereotypes, while others see it as an early example of Latino representation in Western media.

The Panel noted that the advertisement does not directly reference or use the cartoon character, or the associated stereotypes. The Panel considered that the ad's reliance on the similarity between words in different languages, does not depict or convey stereotypes about Mexican people.

Overall, the Panel considered that the advertisement did not create a negative impression of Mexican people or portray them as receiving unfair or less favourable treatment. The Panel concluded that the advertisement did not humiliate or incite ridicule of Mexican people.

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 complaint.

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