

Case Report

1. Case Number :	0207-24
2. Advertiser :	ALDI Australia
3. Product :	Telecommunications
4. Type of Advertisement/Media :	Radio/Audio Streaming
5. Date of Decision:	28-Aug-2024
6. Decision:	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a woman asking questions. She says "Is there a god? What is the meaning of life? Do I actually need unlimited data to watch a few cat videos on my commute?" We hear the sound of cats screaming and she says "cute". A voice-over then says "Question everything... especially your Telco plan. Get all the data you need at low prices with ALDI Mobile".

THE COMPLAINT

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

The radio ad I just heard (5.45pm Thu 15 July 2024) is for unlimited data and makes fun of the concept of God.

This is highly offensive for people from monotheistic faiths (Christians, Moslems, Jews) It asks "if there a God" .. then goes on to ask if about unlimited data to watch cat videos.

The tone of the ad is mocking.

People who take their faith seriously face persecution and rejection - yes, even in Australia.

I believe I have heard this ad on several stations - not just 3AW.

It is discriminatory and offensive.

Please take it down.

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 a wide range of faiths referred to by the complainant has, in ALDI's submission been implied and is an unintended consequence.

A key focus for the advertisement is on highlighting the question on the extent of data a customer may need. The advertisement does so through a clearly, hypothetical humorous questions referencing other 'big' and generic questions such as "what is the meaning of life", or "is there a god". Neither question is designed to offend, and on any reasonable and objective assessments, would, in ALDI's view, offend the ordinary or reasonable person. The ALDI advertisement 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.

ALDI respectfully submits that 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 and it being discriminatory or offensive against people from monotheistic faiths, the material depicted does not call out people of any particular faith, 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 god or other big life questions is not aimed at any 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 complainant's concern that the advertisement discriminates against people who believe in God.

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

The Panel noted the Practice Note to Section 2.1 states:

Advertising which shows members of a certain group as ridiculous, unintelligible or unable to recognise a dangerous situation incites ridicule towards their behaviour.

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 considered that the woman questioning if there is a God is a philosophical question which suggests the woman is exploring her own understand of her life and the universe. The Panel considered that the question is not posed in a mocking or derogatory way, and though the advertisement is intended to be humorous there is no implication that anyone who does believe in a God should be thought less of. The Panel considered that the advertisement did not mock or humiliate people of faith.

Overall, the Panel considered that the advertisement did not discriminate against or vilify a section of the community on the basis of religion.

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.