



# Case Report

1	Case Number	0270/15
2	Advertiser	Aldi Australia
3	Product	Retail
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/07/2015
6	DETERMINATION	Dismissed

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Religion
- 2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a man dressed in a seagull costume referring to the ALDI tomato sauce product and then the other supermarket tomato sauce product and stating that he likes them both. He then says that what he really loves is, "living off the grid baby" before leaning back in his chair and falling off it. As he lands on the ground we hear him exclaim but his words are beeped out.

## THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*The cursing was partially censored with "bleeps" which clearly allowed identity of the "expletive" used. The words were clearly "Jesus Christ". This is extremely offensive and distressing to Christians. Going by recent social statistics Christians represent between 25-35% or higher of the population. Regardless that this name is used as an expletive daily in Australian pop culture, it nonetheless marginalises, offends and vilifies Christians by virtue of mistreating a name which is extremely sacred to those of the faith. The deliberately insufficient attempt to "censor" the words in the commercial demonstrates that this advertiser aims to normalise marginalising and vilifying this faith body. Christian groups contribute meaningfully to Australian communities via a multitude of welfare projects and concern for the underprivileged. Normalising this language in advertising is not in keeping with section*

*2.1 and 2.5 of AANA code of ethics.*

*Why don't they try using Mohammed's name in vain and see what the Muslim religious people will say or do. It's offensive and it's also disrespectful to all Christians.*

## **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 letter our client has instructed us to respond as follows:*

*2.1 The TVC clearly does not discriminate or vilify anyone. The words that are actually beeped out are "jeepers creepers". A copy of the TVC without the beeped out words will be sent to your office confirming the same. In our opinion, just because a member of the community may have thought they heard something does not mean that it is correct, and should be taken as evidence of it occurring. So in our view it does not breach section 2.1 of the AANA Code of Ethics (the Code).*

*2.2 The TVC does not contain any content that could be suggested as sexually appealing, so it does not breach section 2.2 of the Code.*

*2.3 The TVC does not depict violence, so it does not breach section 2.3 of the Code.*

*2.4 The TVC does not contain any sexual content, so it does not breach section 2.4 of the Code.*

*2.5 The TVC does not contain any obscene language. As stated at the outset, the words that are beeped out are "jeepers creepers". So it does not breach section 2.5 of the Code.*

*2.6 The TVC does not breach section 2.6. The TVC uses a humorous scene of a person dressed in a sea gull suit falling out of a broken chair. At no time does it condone leaning back in the chair, and if anything shows why you shouldn't. In addition, the prevailing community will see this TVC as nothing more than a humorous and appealing ad.*

*3. Any other applicable Codes*

*3.1 The advertised "Product" as defined under the Code, i.e. tomato sauce, does not have a primary appeal to children, so the TVC is not subject to the AANA's Code for Advertising & Marketing Communications to Children.*

*3.2 The TVC does not in our view breach the AANA Food & Beverages Advertising & Marketing Communications Code ("Food Code"), including sections 2.1 through to and including 2.9.*

## **THE DETERMINATION**

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concern that the advertisement features inappropriate language and blasphemy which is offensive and disrespectful to Christians.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that ‘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 Board noted that this television advertisement for Aldi features a man in a chicken suit whose comments when he falls off a chair are beeped out.

The Board noted the complainants’ concerns that it sounds like the man is saying, “Jesus fucking Christ”. The Board noted the advertiser’s response that the man actually said, “jeepers creepers”.

The Board noted that as the words spoken at the end of the advertisement are beeped out it is not clear what the man is actually saying. The Board noted the complainants’ interpretation of the man’s words but considered that the level of beeping means that there are many words the man could be saying. The Board noted that there is no strong suggestion in the advertisement that the man is taking the Lord’s name in vain and considered that there was nothing else in the advertisement to suggest that the advertiser was trying to be insulting of or disrespectful to Christians.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

As noted above, the Board considered that the level of beeping out of the man’s last words in the advertisement means that the man could be using any combination of words. The Board noted that we do not hear any words beginning with F and considered that there is no suggestion that the man is using a strong swear word.

The Board considered that the advertisement does not feature language which is strong, obscene or inappropriate.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

