



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0006/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Southern Phone Company</b>
<b>3</b>	<b>Product</b>	<b>Telecommunications</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/02/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Ethnicity

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens with a Southern Phone employee having lunch in a café. On the next table is seated a businessman who engages the Southern Phone employee in a conversation about Southern Phone's services. The businessman asks whether, when he calls Southern Phone, a "Aussie" will answer the call, not a machine. A woman seated on a nearby table in the café joins in the conversation and asks the Southern Employee to confirm whether it is "not someone in India? Or in the Philippines?" who will answer the call. The Southern Employee confirms that "Yep, really" that is the case, following which there is a voice over stating "It might be hard to believe but when you call Southern Phone you talk to a regional Australian, just like you".

### THE COMPLAINT

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

*I object and am offended by the advertisement as Southern Phone presents and promotes 'Aussies' and/or 'regional Australians' as people of Anglo / Caucasian appearance and who speak with what Southern Phone considers an acceptable Australian accent.*

*I object and am offended to the advertisement as Southern Phone asserts a particular racial and cultural profile of an 'Aussie' or 'regional Australian' should be and presents as well as relies on this racially and culturally construed profile in the attempt to persuade consumers to purchase Southern Phone's products and services.*

*The advertisement, as representative of Southern Phone, also leads me to believe that Southern Phone would only employ people who speak with the company's perception of what a mainstream Australian accent would be.*

## **THE ADVERTISER'S RESPONSE**

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

*The nature of the Complaint is that the TVC presents "Aussies" or "regional Australians" as people of Anglo/Caucasian appearance and discriminates against those that do not speak with a "mainstream" Australian accent. The Complaint objects to Southern Phone's apparent reliance on a racially and culturally constructed profile in order to persuade regional Australians to purchase Southern Phone's goods and services.*

*We have considered the Complaint thoroughly and do not believe that there is any basis for the Complaint having regard to section 2 the Code. The TVC was not intended to be racist or portray a stereotype of an "Aussie" or a "regional Australian"; rather, the TVC's intention was to advocate that Southern Phone provides local customer assistance to regional Australians. The advertisement simply alludes to a common frustration felt by many people at having service calls answered by international call centre operators. Southern Phone maintains that this is not racist in breach of section 2.1 of the Code.*

*Section 2.1 of the Code requires that advertisements shall not portray people or depict material in a way that discriminates or vilifies a person or section of the community on account of race or ethnicity.*

*We note that two similar complaints have been received in relation to reference to foreign call centres in television advertisements. The first is complaint reference number 113/06. This advertisement for RAA Insurance involved a man in a café recounting his experience of reporting details of a car accident to an Indian call centre. The accident happened near a local deli and there ensued confusion because the call centre operator was working in New Delhi. The man made a joke that the call centre operator told him that they must "catch up for a curry and a pappadum" (spoken in an Indian accent). The man then asked the café owner "Trev, whatever happened to talking to a local?" and the message on the screen read "Trust RAA Insurance to let you talk to a local". The complainant in that case was concerned that the advertisement was degrading of India. In that case the Board (in a split decision) decided that the advertisement did have racist undertones and that it breached section 2.1 of the Code.*

*We consider that that the advertisement the subject of complaint reference number 113/06 is distinguishable from the Southern Phone TVC the subject of the Complaint in the present case. First, the Southern Phone TVC does not specifically target a particular racial group. The lady in the café asks the Southern Phone employee whether her call will be answered by "someone" in India or the Philippines, not an Indian or a Filipino. Second, unlike the advertisement the subject of complaint reference number 113/06, there is no mocking adoption of a foreign accent, nor reference to a specific stereotype such as a "curry and a pappadum". Third, we emphasise that this decision of the Board was split. We adopt the words of some members of the Board in that case, that the Southern Phone advertisement is*

*not racist and simply is drawing upon a common frustration felt by many Australians at having service calls answered by overseas call centres.*

*The second similar complaint was complaint reference number 118/07. This radio advertisement was also for a telecommunications company, Soul Australia, featuring a man complaining about “bloody call centres in India”, expressing annoyance that Indian call centre operators did not know what “budgie smugglers” were or what “don’t come the raw prawn” meant. It concluded with the statement “Thank God for Soul. Their call centre’s in Australia...” The Board dismissed this complaint. The Board considered that the message of the advertisement was that customers would be better-served by local call centres than overseas call centres and that this message was not inherently racist. The Board said that there was no specific criticism of Indian call centres.*

*That is precisely the case with the Southern Phone TVC. The TVC is simply advocating that Southern Phone’s customers will receive good quality service because their inquiries will be answered by local regional Australians. The advertisement does not specifically criticise India or the Philippines but simply uses those countries as metaphors for the common assumption among Australians that they receive poorer service standards from service centres overseas. This assumption is not inherently racist and we do not consider it in breach of section 2.1 of the Code.*

*We do not agree with the Complaint that the Southern Phone TVC necessarily promotes “Aussies” and/or “regional Australians” as people of Anglo/Caucasian appearance and who speak with “an acceptable Australian accent”. There is no such implication. Rather the point of the advertisement is that Southern Phone employees are located in regional Australia, not overseas. There is no reference to a particular preferred racial or cultural profile of an “Aussie”; rather the focus is on the fact that a customer of Southern Phone will speak to a real person located in regional Australia. This does not offend section 2.1 of the Code.*

## **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’ concerns that the advertisement is offensive because it suggests only people of Anglo/Caucasian appearance with an acceptable Australian accent are Australian and only these people can work for the Southern Phone Company.

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

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: “Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity...”

The Board noted the advertiser’s response that the point of the advertisement is that Southern Phone employees are located in regional Australia, not overseas.

The Board noted that in the advertisement an actor questions whether someone from India or the Philippines will answer the phone, with the response given that it will be someone in Australia. Some members of the Board considered that this reference to overseas countries could be interpreted as a negative comment about people from countries other than Australia, or about non-Anglo Australians. The majority of the Board considered, however, that the overarching message is that Southern Phone uses staff based in Australia and therefore provides staff who understand local issues. The majority of the Board considered that the advertisement did not discriminate against people on account of race or ethnicity.

The Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society on account of their race or ethnicity. The Board determined that the advertisement did not breach Section 2.1 of the Code.

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