



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0035/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Choosi Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Insurance</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Pay TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/02/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens on an older man standing on a beach with a surf board talking about the type of insurance he would like. We then see an older lady cycling along the beachside and stopping to describe why she decided to use 'Choosi' to choose her insurance provider, one of those reasons being they have an Australian call centre: "The Australian call centre was a nice surprise".

### THE COMPLAINT

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

*One of the women in the advertisement says the following of Choosi:*

*"The Call Center was great" then after a curious pause and a slight roll of the eyes "And Aussie too".*

*This remark utilizes the racist stereotype that call centers are filled with foreigners, or worse, that Choosi exclude certain prospective employees on the basis of their race.*

*Choosi should not be engaging with this racial stereotype or guaranteeing the ethnicity of their staff (which would show a hiring policy in breach of the Equal Opportunity Act at any rate).*

*The combination of the testimonials from two white older characters and the additional information that the woman provides that the call centre at Choosi is 'Aussie' create a*

*subtext that a call centre that is not staffed by 'Aussies' would somehow provide a less rewarding/ understanding experience for the customer. The choice of actors for the testimonial make it quite clear who the advertisers are identifying as Australian. The argument is offensive to Australians who make not be white or speak with a non-standard Australian accent.*

## **THE ADVERTISER'S RESPONSE**

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

*Response to this complaint*

*We acknowledge that the advertisement includes the statement that has been complained about.*

*However, we disagree with the complainant's view that this is a racist remark that contravenes the AANA Code of Ethics (the Code) either directly or by implication.*

*I note that this complaint is similar in content to a recent complaint (reference 0484/12), in which the Advertising Standards Board found that no breach of the Code had been found. That decision, which also noted an earlier similar decision (reference 0006/11), accepted much of the reasoning that I provided in my response to the matter. Accordingly this response takes the same approach and argues, on consistent grounds, that this complaint ought to be dismissed.*

*Section 2.1 of the Code provides that „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, nationality...?*

*The advertisement does not present any material that could be called discriminatory, and the complaint does not appear to propose that the advertisement is discriminatory in nature. Rather the complaint is focused on a perception that by mentioning the Australian call centre, the advertisement has provided material that depicts the vilification of a section of the community on racial, ethnic, or national grounds. Indeed the complainant uses the word “offensive” to describe his or her reaction to the advertisement.*

*We have a number of responses to this.*

*First, describing a call centre as Australian, or Aussie, is a statement of fact: Choosi operates a call centre that is wholly located in Australia. We note that it is usual for people to use the words “Aussie” and “Australian” interchangeably. Both of these words are adjectives and accordingly its meaning is dependent on the words that are used with it. In this context the word Aussie is describing a call centre, which is a type of business. We submit therefore that the two most reasonable interpretations are that it refers to either the corporate status of that business (ie: an Australian registered company) or the location of the business (ie: the business is located in Australia).*

*In both of these contexts we argue that using the term “Australia call centre” or “Aussie call*

*centre” is synonymous with describing a product as Australian made. We accept that this implies that we believe there are intrinsic benefits to having an Australian call centre over call centres located elsewhere, in the same way that manufacturers are making similar implications when they label their products as Australian made. Moreover we know that our target market is generally of the same view, with recent research finding that a significant majority of surveyed customers prefer dealing with call centres that are based in Australia.*

*Second, even if you were to take the view that this statement was describing the racial and ethnic background of the people employed within the Choosi call centre, it is a stretch to suggest that this is an implicitly negative statement denigrating a particular race or ethnicity. It is well understood that Australia is populated by people from a diverse range of racial and ethnic backgrounds. To describe a person as Australian therefore says nothing about their race or ethnicity.*

*Furthermore we submit that, in fact, the employees that make up Choosi’s call centre are a representative cross-section of Australia’s racial and ethnic diversity. More specifically the make-up is a representative cross-section of the Western Sydney population (where Choosi’s principal place of business is located), which is arguably one of the most racially and culturally diverse regions in Australia. Accordingly, if it is suggested that use of the term „Australian call centre? was an unconscious assertion of racial or ethnic superiority by a predominantly Anglo- Australian workplace, this doesn’t match the reality of Choosi’s working environment.*

*Third, should you determine that these words evoke some unintended negative depiction of a section of the community on the basis of their race, ethnicity or nationality, to contravene the Code that depiction must be sufficiently negative as to be said to vilify that section of the community. The common meaning of vilify is „to revile with abusive or defamatory language?.*

*We note that the particular aspect that offended the complainant was that the customer in this advertisement stated that she was pleased with the fact that the call centre is Australian or Aussie. While we regret that any offense was taken, we argue that this statement is fairly innocuous and could not reasonably be portrayed as abusive or defamatory.*

### *Conclusion*

*As described above, the phrase „Aussie call centre? in the context with which it is used is clearly describing the location of the call centre and not the racial or ethnic make-up of the employees working within the call centre. We further argue that the word „Aussie? is racially and ethnically neutral, and at any rate the statement made cannot accurately be described as vilifying.*

*We understand that, at times, individuals can develop their own connotations with words and take offense to descriptions that, to the great majority of the community, are perfectly acceptable. We argue that this is the only plausible explanation for this person’s reaction to the complained- of advertisement.*

*Accordingly we request that the Advertising Standards Board find, consistent with their earlier findings, that no breach of the Code has occurred in this instance.*

## **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 racist and offensive in its reference to an Australian call centre.

The Board viewed 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...”

The Board noted that the advertisement features a woman expressing her “pleasant surprise” that Choosi has an Australian call centre. The Board noted that it had previously dismissed a complaint regarding a similar reference to Australian call centres (case 0006/11) and that it had previously dismissed another version of the current advertisement on the medium of TV (0484/12) where:

“The Board noted that when the woman in the advertisement mentions an Australian call centre we see an image of a Caucasian woman receiving a call in a call centre environment. The Board noted the complainant’s concerns that most Australians would associate call centres with Indian employees based in India and that the advertisement is racist in its suggestion that an Australian call centre is preferable.

The Board noted that some members of the community could interpret the advertisement as suggesting that overseas call centres are negative and in turn this presents a negative impression of overseas workers as well. The Board considered however that the more likely interpretation is that the advertisement is stating that the call centre is based in Australia rather than overseas and that consequently it would be better able to answer local concerns. The Board noted that the advertisement does not make any comments about specific races or nationalities and whether they should or should not be working in a call centre which services customers based in Australia and considered that the advertisement does not discriminate against people on account of race, nationality or ethnicity.”

The Board noted that in this instance the reference to the Australian call centre is followed by an image of a man receiving a call in a call centre environment and considered that this man appears to be of Asian heritage. The Board considered that the overall tone of the advertisement is pro-Australian based employees and industry and does not depict a negative portrayal of people of any particular race or ethnicity.

Consistent with its previous determination, the Board determined that in this advertisement the material depicted did not discriminate against or vilify any person or section of the community and did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board

dismissed the complaint.