



Case Report

1	Case Number	0085/12
2	Advertiser	Nova 937
3	Product	Leisure & Sport
4	Type of Advertisement / media	Radio
5	Date of Determination	14/03/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Nationality

DESCRIPTION OF THE ADVERTISEMENT

The advertisement describes Tiger Lil's, a Perth Bar, and features a voice with an Asian accent saying "You listen now to slick willie spokesman for inner city themed bar Tiger Lils". Another voiceover then goes on to talk about going to the bar at the weekend before the Asian accent returns to close the advert with "Tiger Lil's. West End of Murray Street, City."

THE COMPLAINT

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

The ad is racist - the voice over has the voice of a person who is supposed to be Asian or Chinese speaking English in the accent. That is a stereotype that we all speak with that accent. It is racist; my Caucasian friends will talk to me in the same accent and then laugh.

THE ADVERTISER'S RESPONSE

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

The Advertisement

The Advertisement is an irreverent tongue in cheek promotion for Tiger Lill's. The voice at the beginning and end of the Advertisement is of Asian descent and accented.

Whilst we can understand and appreciate the complainant's point of view in respect of the Advertisement, Nova 93.7 does not think that the Advertisement is in breach of the AANA Advertiser Code of Ethics or other applicable regulation.

AANA Advertiser Code of Ethics

The complainant raised concerns with the use of a voice (at the start and end of the Advertisement) with a heavy Asian accent to encourage listeners to visit Tiger Lill's. The complainant asserts that the Advertisement is "racist" and "a stereotype that we all speak with that accent".

At the outset it is important to note that Nova 93.7 does not consider itself strictly bound by the Code. Nevertheless, as a matter of corporate policy and broadcasting practice, Nova 93.7 uses its best endeavours to comply with the Code at all times.

We believe that the section of the Code most relevant to the complaint is Code 2.1.

Section 2.1 of the Code provides that:

2.1 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, sex, age, sexual preference, religion, disability or political belief.

Code 2.1

Nova acknowledges that the Advertisement includes a voice of Asian descent which is heavily accented. It could be argued that this small segment of the Advertisement 'plays on' a stereotype.

However, this audio is in no way negative, demeaning, derogatory or offensive. The tone of the Advertisement is positive and light-hearted, not negative, aggressive or discriminatory. Whilst we acknowledge that the use of the voice and accent may not be to everyone's liking and is cheeky and irreverent, we do not believe that it breaches Code 2.1.

It is not discriminatory nor does it vilify anyone on account of their being of Asian descent.

This Advertisement was created over 5 years ago and has played on-air during various periods over the past 5 years. To the best of our knowledge, Nova 93.7 has never received a complaint regarding this Advertisement.

In light of the context in which the Advertisement was broadcast, Nova 93.7 believes that the majority of its audience would regard the Advertisement as light-hearted and irreverent.

For these reasons, Nova 93.7 strongly believes that the Advertisement does not breach clause 2 of the Code.

Whilst Nova 93.7 does not consider that the Advertisement raises issues under section 2 of the Code, Nova 93.7 does value feedback on the Advertisement and intends to monitor any similar complaints received in the future to ensure that these advertisements are not offensive to a significant proportion of the community.

We would welcome the opportunity to provide any further clarification that the ASB may require in relation to this matter.

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 complainant’s concerns that the advertisement is racist towards Asians.

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, nationality, sex, age, sexual preference, religion, disability or political belief.”

The Board noted that the advertisement features an actor using a heavily accented Asian accent and that the Advertiser acknowledges that this “plays on a stereotype”.

The Board considered that the use of an Asian accent is not vilifying of Asian people in the context of this particular advertisement as it does not present Asians in a negative manner.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community on account of race and did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.