



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	Case Number	0085/18
2	Advertiser	Mr Wongs Hydraulics
3	Product	Automotive
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	07/03/2018
6	DETERMINATION	Upheld - Modified or Discontinued

## ISSUES RAISED

2.1 - Discrimination or Vilification Race

## DESCRIPTION OF THE ADVERTISEMENT

The Facebook post advertisement shows a picture of a business card. The business card features the caricature of an Asian man, the words 'Mr Wong Hydraulics' and 'to fix call wongy.....will do good job, proper fix'.

## THE COMPLAINT

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

*It is incredibly RACIST!*

## THE ADVERTISER'S RESPONSE

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



*In response to the claim made against Mr Wong Hydraulics being racist, I would like to advise that I find it hard to believe that I am a racist person as my surname is Wong and I am 5 generations part Chinese.*

*The picture below is a screen dump off Facebook of my business card, the picture on the business card of the China man is meant to be a cartoon character of myself and not directed to anyone else and that same picture of the man is in stickers I hand out and have on my service vehicles, employees cars and also my personal cars, this cartoon character is easily found on the internet when you google China man.*

*I am actually highly offended that somebody is accusing me of being racist when I am proud that my surname is Wong and of my Chinese heritage. If I took offence every time someone came to my work shop and commented that I don't look Asian I would be a rich man as it happens on a daily basis.*

*I have been in business for 7 years and I have not had one complaint but a thousand compliments on how smart my advertising is.*

## **THE DETERMINATION**

The Ad Standards Community Panel ("Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainant's concerns that the advertisement is racist in its depiction of a Chinese man.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted that the Practice Note for Section 2.1 of the Code of Ethics provides the following definitions:

- Discrimination – unfair or less favourable treatment
- Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.



The Panel noted that this Facebook advertisement features a photograph of a business card. The business card features the name of the business 'Mr Wong Hydraulics', a caricature of an Asian man and the words 'TO FIX CALL WONGY.....WILL DO GOOD JOB, PROPER FIX'.

The Panel noted the complainant's concerns that the image of the cartoon Asian man and the tag line was racist and offensive.

The Panel noted the name of the business Mr Wong's Hydraulics, the bamboo font of the text, the bucktooth caricature of an Asian man and the grammatically incorrect text.

The Panel considered that the caricature of the Asian man and the text 'will do good job, proper fix.' are stereotypical references to Chinese people.

The Panel noted that stereotypes of themselves are not prohibited by the Code, but that stereotypes that create a negative impression will be in breach of the Code.

In 0126/17 the Panel considered, in relation to a man dressed in a Chinese costume speaking with a Chinese accent that 'it is not of itself discriminatory or vilifying to depict a person dressed in clothing specific to a particular culture or nationality and considered that the advertisement is clearly presenting a man dressing up and being silly. The Board noted that the advertisement is intended to be light-hearted and humorous and the majority of the Board considered that the manner in which the Caucasian man plays the role of a Chinese Master is not negative or demeaning and in their view there was nothing in the advertisement to suggest that Chinese people and/or their culture are being mocked or ridiculed.'

The Panel noted by contrast that a number of elements together can lead to an overall negative impression, in particular in 0546/16 'The majority of the Board considered that the advertisement presents Asian people in a manner which incites ridicule and that by mocking their command of English grammar and using a fake name, which is considered racist, rather than a real name, the advertisement is making fun of a difference between Western and Asian cultures which is humiliating for people of Asian descent.'

The Panel noted the name of the business owner was Mr Wong, and considered that it is reasonable for him to use his name in the promotion of his business, and that this could not be considered discriminatory.

A minority of the Panel considered that the image was meant to represent the owner of the business who is of Asian heritage and that he has the right to use his own culture to promote his business. The minority considered that the tone of the



advertisement is humorous and the message that good service will be provided is a positive one. The minority considered that the advertisement did not present negative stereotype and did not depict material in a way which would discriminate against or vilify a person or section of the community on account of race.

However, the majority of the Panel considered that the caricature of the man with buck teeth and a bowl-shaped haircut is a negative stereotype of people with Chinese heritage (bad teeth, bad haircuts). The majority of the Panel also considered that the grammatically incorrect text is a stereotype of broken English suggesting that Chinese people are not able to speak English properly or do so with a bad accent.

The majority considered that the overall effect of the advertisement is a negative depiction of Chinese people and in the view of the Majority this is a depiction that humiliates people of the Chinese race and is therefore a portrayal which vilifies a section of the community on the basis of race.

The Panel determined that the advertisement did depict material in a way which discriminates against or vilifies a section of the community on account of race and did breach Section 2.1 of the Code.

Finding that the advertisement did breach Section 2.1 of the Code, the Panel upheld the complaint.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

We have changed our offensive profile picture on Facebook due to wording, please see new profile picture which has been updated immediately.