



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0110/18
2	Advertiser	CGU Insurance
3	Product	Insurance
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	21/03/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement starts by showing the text "A CGU report found 33% of Australian small businesses are owned by migrants". The advertisement then follows the story of a man named Hamid who arrives in Australia with his family as a refugee. Hamid initially struggles to find work and to fit in but after long work hours and late nights, Hamid eventually starts his own successful painting business. Towards the end of the TV Ad, the words 'grit', 'hard work' and 'resilience' are displayed onscreen and the real Hamid is featured, followed by the words 'Australian as it gets'.

THE COMPLAINT

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

The basis of the campaign is that new migrants need help, that apparently only CGU can deliver, because Australians are racist.

The add depicts an actor of middle eastern background who is sacked, by a smiling white Anglo Saxon person, then is depicted to be discriminated against in various ways



by white middle aged Anglo Saxon males in various working environments. He is then depicted as starting his own business and employing a young white Anglo Saxon apprentice implying that he does not discriminate based on race despite his depicted experiences. There is an implication that this is a typical experience for migrants in Australia. I believe the ad stereotypes middle aged, white, Anglo Saxon males, as people who discriminate in this way and that the young white Anglo Saxon people don't. There are number of subtle stereotyping themes within this advertisement that are not appropriate.

THE ADVERTISER'S RESPONSE

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

1. About CGU Insurance

CGU Insurance (CGU) has a 165 year history of supporting Australians in times of need. We are a trusted provider of business, rural, personal and workers compensation insurance and are backed by Insurance Australia Group, the largest general insurer in Australia and New Zealand.

2. Background to the TV Ad

The CGU Insurance Migrant Small Business television commercial (the TV Ad) is part of a larger CGU campaign we developed to shine a light on the often undervalued but significant role migrants have in Australia's small business sector. In August 2017 we commissioned research from EY Sweeney (an established Australian market research firm) to better understand the diversity of small businesses in Australia and the contribution that migrant small business owners make to the Australian economy. As one of Australia's largest small business insurers, we were also keen to better understand our customer base.

The findings of this research were published in the CGU Insurance Migrant Small Business Report (Report) (available online at <https://www.cgu.com.au/migrantsmallbusiness/download-report/>) and were enlightening in uncovering that:

- 33% of small businesses in Australia are run by migrants.*
- 8 in 10 migrant business owners started their first business venture after moving to Australia.*
- Nearly 25% of migrant business owners are more likely to have started their business to try out an innovative idea.*



- Nearly 1 in 2 migrant business owners are aiming to generate higher revenue in the next five to ten years.
- 25% of migrant business owners are training young people in the community.
- 1 in 3 migrant business owners are planning on growing their business with new hires.

Inspired by these findings, we engaged an advertising agency to help create a marketing campaign that would communicate and share these findings in a powerful and positive way. With that objective, we decided to feature the story of CGU small business insurance customer Hamid Ranjbarian - whose true story brought to life the challenges, experiences and opportunities many migrant small business owners face.

Hamid's Story

In 2011, a change of government in Iran led to a period of political and social unrest. For the safety of his family, Hamid left his home country with his wife and four-year-old daughter. After arriving in Indonesia, Hamid and his family attempted to travel to Australia via boat. During this treacherous journey their boat capsized, and they were rescued and taken back to Indonesia. After two years in asylum and much uncertainty about their future, the United Nations granted them official refugee status to move to Australia.

On arriving in Australia, Hamid pursued various avenues for work, as his Iranian herbal medicine qualifications were not recognised in Australia. After opening a snooker hall business, Hamid needed additional work and decided to explore opportunities within the thriving NSW building industry. Hamid began approaching building sites offering to work for free. During this time, he was able to learn the techniques and practices of the painting industry.

Hamid has since closed the snooker hall and now has his own thriving painting business. As of December 2017, Hamid had 12 contractors working for him. Hamid and his wife now have a second daughter and have both applied for Australian citizenship.

3. Description of the TV Ad

CGU wanted to celebrate the Report's finding that "33% of Australian small businesses are owned by migrants" by bringing to life Hamid's story onscreen.

In the TV Ad, Hamid faces several new and challenging experiences, including arriving in Australia with his family, taking English language classes, approaching worksites to ask for work, being rejected for work, raising a child in an English-speaking country,



trying to fit in and working long hours to establish himself. He eventually manages to start up his own painting business and is able to hire an apprentice to help build the business. Hamid continues to work hard on his painting business, which grows into a successful small business.

The TV Ad displays the words ‘grit’, ‘hard work’ and ‘resilience’ to showcase the Australian values that Hamid demonstrated on his journey in coming to Australia and in establishing himself and his family here. We then show the real Hamid Ranjbarian in the TV Ad along with the words ‘Australian as it gets’.

We note that (independent of this ASB notification) the TV Ad in its current form was only planned to run for three weeks over January and February, and therefore is no longer being broadcast on television.

4. Research and feedback in relation to the TV Ad

Throughout the development of this TV Ad, we worked closely with Hamid to ensure the story conveyed onscreen was accurate to his experiences. In addition, we also consulted with Doug Cronin of ‘Our Race’, a social enterprise that works on cultural diversity and creating more inclusive and welcoming workplaces, on the accuracy of Hamid’s story in the context of other refugee experiences.

We have been delighted with the positive migrant-related conversations generated on social media, and the amount of positive feedback received from the general public as well as multicultural groups, the government and the media in relation to the TV Ad and the Report. We provide a sample of that feedback below:

“I am writing on behalf of the Victorian Multicultural Commission to congratulate CGU for its publication of the Migrant Small Business Report. The research undertaken by CGU tells an important story of migrant entrepreneurship and economic contribution that shines a light on one of the great benefits of migration to this country.” - Helen Kapalos, Chairperson, Victorian Multicultural Commission (via letter)

“Just saw this @CGUInsurance ad on TV – how good to see an Australian company championing the drive & determination of migrants & their contribution to Australia” – Sam Mostyn, President of the Australia Council for International Development (via Twitter)

“#Australiasitgets – we couldn’t have said it any better! Congratulations CGU Insurance” –Settlement Council of Australia (via Facebook)

“I firstly, wanted to congratulate you on the ad. It is very powerful and I have had many colleagues and friends who were happily surprised an organisation like yours is doing this. It is a great way for more people to be a part of the conversation and with



all the other components of the campaign it will be felt by a large audience, encouraging more conversations about our cultural diversity and the value of migrants.” - Doug Cronin, Director, Our Race (via email)

“What a beautiful ad. It reduced me to tears with its powerful message. It made me truly proud to call Australia my adoptive home.” - B. Loates (via Facebook)

“Great ad and very topical, not just now but always has been. This is what makes Australia great!” Martina Matta (via LinkedIn)

“Oh my! What a very touching add....it actually brought me to tears so well done....not only to CGU but to you as well Hamid! You deserve all the joy your (sic) receive. Too often, it's SO easy to generalise; not understand and disregard yet this commercial opens our eyes; makes us realise; understand and respect.....regardless who has been through what! This commercial made me 'front' issues i was subjected to as a child and how i worked hard to be where i am today....(different meaning to what CGU were advertising however you never know how a commercial may affect an individual!) Congratulations to both CGU and Hamid....be proud mate - you deserve it” – J. Wolfe (via Facebook)

5. The Complaints

The two complaints received by the ASB allege that the TV Ad portrays people or depicts material in a way which discriminates or vilifies on the basis of ethnicity (section 2.1 of the AANA Code of Ethics (Code)). They specifically reference the following issues:

- That the TV Ad stereotypes middle aged white anglo saxon males as people who discriminate against migrants.*
- That the TV Ad depicts “Australians” as being racist.*

6. CGU’s Submission

For the reasons below the complaints should be dismissed.

6.1 Discrimination or Vilification (Section 2.1 of the Code)

We note that 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...ethnicity.”

We strongly assert that the TV Ad does not contravene this section of the Code.



We note one of the complainants asserts that Hamid is “sacked by a smiling white Anglo Saxon person”. We believe the scene the complainant is referring to is one where Hamid visits a worksite. He is wearing casual clothing compared to the other men on the worksite who are wearing ‘hi vis’ work wear, conveying that he is not a worker at the site. He approaches a foreman for work but is turned away and feels disheartened. The foreman does not ‘sack’

Hamid nor does he at any point smile at having turned Hamid away. This scene is intended to depict Hamid’s struggle of finding work in Australia.

The same complainant also asserts that the TV Ad depicts Hamid being discriminated against in “various ways by white middle aged anglo saxon males in various working environments”. We believe the scene the complainant is referring to is where Hamid is painting a home and moves aside to let a fellow tradesperson pass. During this exchange, Hamid gives the man a smile which the man ignores. This scene is intended to depict Hamid’s initial struggle to fit in with his new country and his workplaces.

The second complainant states that the basis of the campaign is that “Australians are racist”. We strongly disagree with this statement.

We note that the Report did reveal that 1 in 8 (12%) migrant business owners reported being impacted by racism or discrimination due to their cultural background. However the intention of the TV Ad was not to focus on these negative discriminatory experiences but rather to share an inspiring true story about a hardworking, courageous, innovative and resilient migrant business owner - a story that is ‘Australian as it gets’. The campaign’s aim was to showcase the significant and positive impact migrants have on our community and the economy. We strongly believe that most members of the community would understand this to be the key intention and purpose of the TV Ad.

We believe the negative experiences and challenges faced by Hamid as depicted in the TV Ad accurately portray the experience of many migrants arriving in Australia. However in our view, this does not take away from the overall positive message of the TV Ad, and is not meant to represent “Australians” or any subsection of the Australian population as being generally discriminatory or racist.

The ASB’s previous decisions in 0291/14 (‘Beyond Blue’) and 0105/16 (‘Hesta’) support our view that no discrimination or vilification has occurred. In particular, we refer to the Beyond Blue decision where the Advertising Standards Board considered that the message given in the advertisement relating to discrimination against Indigenous people was not intended to offend caucasian people but rather was a mechanism to demonstrate various levels of discrimination in order to get an important message across. The Board specifically noted that:



“the perpetrators are incidental and in the Board’s view there is not a negative view of “Caucasians”, rather only a negative perception of unconscious discrimination.”

For these reasons, we hold the strong view that the TV Ad does not depict material in a way which discriminates against or vilifies a person or section of the community on account of their ethnicity, and accordingly does not breach section 2.1 of the Code.

6.2 Exploitative and Degrading (Section 2.2 of the Code)

There is no exploitative or degrading content depicted in the TV Ad.

6.3 Violence (Section 2.3 of the Code)

There is no violence present or portrayed in the TV Ad.

6.4 Sex, sexuality and nudity (Section 2.4 of the Code)

There is no sex, sexuality or nudity related content in the TV Ad.

THE DETERMINATION

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

The Panel noted the complainants’ concerns that the advertisement discriminates against race.

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 this television advertisement features the story of a man named Hamid who arrives in Australia with his family as a refugee. Hamid initially struggles to find work but eventually starts his own successful painting business. Towards the end of the TV Ad, the words ‘grit’, ‘hard work’ and ‘resilience’ are displayed onscreen and the real Hamid is featured, followed by the words ‘Australian as it gets’.

The Panel noted the complainants’ concern that the advertisement is racist because it



shows several Anglo Saxon males appearing to be dismissive or discriminative towards Hamid.

The Panel considered a scene referred to in a complaint that showed Hamid being sacked by a white Anglo Saxon person. The Panel noted the advertiser's response that the scene did not show Hamid being sacked, rather that he approaches a foreman for work and is turned away. The Panel noted that the complainant was incorrect in their interpretation that the advertisement showed Hamid being sacked.

The Panel noted it had previously considered a similar issue in case 0291/14, in which:

"The Board considered that the message given in the advertisement relating to discrimination against Indigenous people is not intended to offend Caucasian people but rather the mechanism to demonstrate various levels of discrimination in order to get the important message across. The Board noted that the focal point of the advertisement is the Aboriginal people and the focus of seeing what an Indigenous person feels. The perpetrators are incidental and in the Board's view there is not a negative view of "Caucasians," rather only a negative perception of unconscious discrimination. The Board considered that this type of demonstration did not of itself amount to discrimination against a person or section of the community and did not breach section 2.1 of the Code."

The Panel noted the current advertisement featured a person of Eastern European descent. The Panel considered that the current advertisement portrays the dramatised experiences of a migrant and their search for work and starting a business. The Panel noted the advertiser's response that the central character in the advertisement, Hamid, worked closely with the advertiser to portray a story accurate to his experiences.

The Panel noted that the focal point of the advertisement is the experiences and challenges faced by Hamid. The perpetrators are incidental and in the Panel's view there is not a negative view of "Anglo Saxons," rather only a negative perception of unconscious discrimination.

The Panel considered the advertisement did not portray material in a way which discriminates against or vilifies a person on the basis of race and did not breach Section 2.1 of the Code.

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

