



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0132/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Sites n Stores</b>
<b>3</b>	<b>Product</b>	<b>Information Technology</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Radio</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/04/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

A male voice over asks if your web designer works from his bedroom, if is he your cousin or if he lives in Delhi. The voice over then goes on to promote Sites N Stores and the prices they charge to create a website.

### THE COMPLAINT

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

*I believe the part of the ad that says "Is your web designer in Delhi?" is racist.*

*I believe there is nothing wrong with having a web designer based in Delhi or any other international location.*

*When I heard the ad I felt offended by it. I don't know how it got approved but I think New Delhians would be upset and offended maybe even angry if they heard this ad.*

*After hearing the ad I felt I had to write to the Board and make an official complaint as I'm sure many other people dislike this advertisement but wouldn't do anything about it. I feel by making my opinion known to the relevant authority I am helping out other people who have even more right to be offended by this ad than I am.*

### THE ADVERTISER'S RESPONSE

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

*One of the most common complaints in this industry is that work is done overseas (India) and it is very hard to get the result a client is after due to communication issues, time delays and cost blowouts. Any person who has attempted to have a project like this done overseas will immediately identify with what is being said in this ad and removing its content would reduce its effectiveness.*

## **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 is likely to offend Indian people.

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 to communicate that the company is based in Australia not overseas and is therefore more convenient.

The Board noted that the advertisement refers to a variety of situations that are presented as undesirable ways of having work on your web site done, for example, having someone who works from home, a relative, or a company based overseas.

The Board agreed that some members of the community would find continual references to work based overseas, but in particular in India, demeaning of the work of people in India and potentially demeaning to people from India.

The majority of the Board considered, however, that the overarching message is that the advertiser is based in Australia and therefore provides a business that is easier to communicate with and to work with. The Board considered that the advertisement did not denigrate Indian people or Indian businesses on account of their race. 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.