



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0214/19</b>
<b>2</b>	<b>Advertiser</b>	<b>Fantastic Snacks Australia</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/07/2019</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Race

## DESCRIPTION OF THE ADVERTISEMENT

The premise for the ad is a Japanese morning television show, similar to Sunrise, where the interviewer introduces the Japanese Lady who is explaining to viewers some “fantastic news” regarding a competition whereby they can crack the code to win a holiday voucher.

We open on a Japanese morning television show set. There is a Japanese man and woman sitting on a couch and the male host immediately throws to the Japanese Lady. The camera pans dramatically and crash-zooms towards the Japanese Lady. Behind her there are graphics in Japanese that shows visuals of what she is talking about. There are additional graphics appearing on screen too, which includes English subtitles and some comical characters traditionally associated with Japanese manga cartoons.

While the Japanese Lady is talking, the green screen graphic behind her shows a giant rice cracker rising over a stylised drawing of Mount Fuji, emulating the moon. The Japanese Lady poses in position at the end and indicates the competition address on screen with the Share the Fantastic brand logo on screen.



## THE COMPLAINT

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

*Offended by the use of overly stereotypical Japanese game show style behaviour. Asian symbols and language used . I think it is offensive to portray Asians in this way in Australia.*

## THE ADVERTISER'S RESPONSE

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

*2.1 Advertising or Marketing Communication 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, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*At Fantastic Snacks we do not believe that the Crack the Code television ad portrays people or depicts 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.*

*We believe that we have not breached 2.1 advertising code of ethics.*

*The ad replicates the tone and excitement of a TV presenter who is excited about a product or opportunity they are selling.*

*In the case of the Fantastic Crack the Code television commercial, the Japanese Lady is used because she is a brand icon on the Fantastic Rice Cracker packaging. Australian consumers regularly refer to the Fantastic Rice Crackers as the 'ones with the Japanese Lady on the pack', for this reason, we felt it was appropriate to use the Japanese Lady as the presenter along with the Japanese language and icons presented in the ad.*

*We have four Japanese born talent in the ad, who at no time felt they were being racially stereotyped or vilified in any way. In fact, they were assisting with the creative process to try and ensure it was as correct and authentic as a Japanese TV program. At all times during the filming process, they were involved with the scripting and assisted by making the voiceover, more authentic and truer to the way Japanese people would talk.*



*At no time was this commercial intended to be racially offensive and we reject any claims that it is so. It was developed as an homage to the Japanese TV show. We researched the imagery and the style of Japanese presenters. We used language translators to verify the script and most importantly we used Japanese talent. If it had been our intent to offend, we would not have gone to the lengths we went to ensure we were, in fact, culturally correct when filming and presenting the vision.*

*The ad was intended to be humorous and to capture viewer's attention to sell the message of the Crack the Code competition. We were not "portraying Asians" in any way other than to reflect how the Japanese TV programs and game shows conduct and portray themselves.*

*As an example of crazy Japanese game shows or TV shows, please see the links below*

*<https://www.youtube.com/watch?v=ODlyf5Pn9Vg>*

*<https://www.youtube.com/watch?v=6DYJXSSgW08>*

*The ad has been screened in South Australia and Queensland and is on air for 3 weeks commencing on the 16th June.*

*In response to the remaining clauses in Section 2 of the AANA Advertiser Code of Ethics*

*2.2 Advertising or Marketing Communication shall not employ sexual appeal:*

- (a) where images of Minors, or people who appear to be Minors, are used; or*
  - (b) in a manner which is exploitative or degrading of any individual or group of people.*
- not applicable*

*2.3 Advertising or Marketing Communication shall not present or portray violence unless it is justifiable in the context of the product or service advertised. – not applicable*

*2.4 Advertising or Marketing Communication shall treat sex, sexuality and nudity with sensitivity to the relevant audience. – not applicable*

*2.5 Advertising or Marketing Communication shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided. – not applicable*

*2.6 Advertising or Marketing Communication shall not depict material contrary to Prevailing Community Standards on health and safety. – not applicable*

*2.7 Advertising or Marketing Communication shall be clearly distinguishable as such to the relevant audience. – not applicable*

## **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 portrays Asians in an offensive manner due to the use of overly stereotypical Japanese game show behaviour.

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

The Panel noted that this television advertisement features a Japanese morning television show where the male host introduces a Japanese woman who then explains to viewers how they can enter a competition to win a holiday. The advertisement is spoken in Japanese with English subtitles on the screen.

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 the Practice Note to Section 2.1 of the Code which provides the following definitions:

"Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule".

The Panel considered the advertiser's response that the advertisement featured a Japanese theme as that matched their product design, and that care was taken to ensure that the Japanese television show was as realistic as possible.

The Panel considered that the advertisement was clearly an imitation of a Japanese television show, but considered that this did not use negative stereotypes. The Panel considered that the Japanese people in the advertisement are depicted in a confident and realistic manner and the actions and movements of the central characters were very similar to actual Japanese television programs. The Panel considered that the actors are not humiliated or ridiculed.

The Panel considered that the advertisement does not depict Japanese people in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule. The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of nationality or race.

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



dismissed the complaints.

