



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

AdStandards.com.au

Ad Standards Limited  
ACN 084 452 666

## Case Report

|                                  |                                   |
|----------------------------------|-----------------------------------|
| 1. Case Number :                 | 0219-20                           |
| 2. Advertiser :                  | Maze Distribution                 |
| 3. Product :                     | House Goods Services              |
| 4. Type of Advertisement/Media : | Print                             |
| 5. Date of Determination         | 22-Jul-2020                       |
| 6. DETERMINATION :               | Upheld - Modified or Discontinued |

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This advertisement is a brochure and features a number of testimonials. One testimonial states “When I opened the packages is was immediately evident from the quality of manufacture and finish of the components that it had not been made in China. This was quickly endorsed by the tremendously clear and logical assembly instructions and upon completion, the excellence of the finished product and its level of detail. (As a professional engineer) I wish to offer my congratulations to you for a quite exceptional product.”

### THE COMPLAINT

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

*The brochure published a testimonial which I found was offensive to the Chinese community and implying a serious national discrimination to China. The testimonial wrote: “ when I opened the packages it was immediately evident from the quality of manufacture and finish of the components that it had not made in China.” This implies that all products from China are bad. China makes a range of products to suits different consumers, consumers who could not effort expensive products unfortunately need to buy cheaper products which are usually imported from China. One could not expect the cheaper products to be as good quality as the expensive products. China also make good quality products which are more expensive such as those we find in David Jones vs Kmart.*



## THE ADVERTISER'S RESPONSE

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

*This testimonial was sent to us from a customer and wasn't altered in any way before adding it to our brochure. We feel the statement made in the testimonial is not discriminative, this customer was simply pointing out the quality of the item that they had purchased.*

*In the complaint, the person themselves makes the following statement "China makes a range of products to suits different consumers, consumers who could not effort expensive products unfortunately need to buy cheaper products which are usually imported from China. One could not expect the cheaper products to be as good quality as the expensive products." By their own admission products imported out of china are less expensive and people (including the person who wrote this complaint) associate these less expensive items as being substandard to their more expensive counterparts.*

*Our greenhouses are very reasonably priced and this customers testimonial was added to the brochure to communicate the quality of the products to the reader despite their affordability.*

## 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 concern that the advertisement was offensive to the Chinese community and implied national discrimination to China.

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

The Panel first considered whether the testimonial was an advertisement.

The Panel noted that the definition of advertising in the Code is:

"Advertising or Marketing Communication means:

any material which is published or broadcast using any Medium or any activity which is undertaken by, or on behalf of an advertiser or marketer,

- over which the advertiser or marketer has a reasonable degree of control, and
- that draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct"

The Panel noted the advertiser's response that the testimonial was sent to them by a customer and was not altered in any way.



The Panel noted that the advertiser had consciously decided to include the testimonial as part of the marketing brochure promoting its products. The Panel considered that the advertiser has a reasonable degree of control over the inclusion of this particular testimonial in the brochure and that the intention of both the testimonial and the brochure as a whole was to promote the advertiser's products.

The Panel considered that the testimonial was an advertisement and that the provisions of the Code would apply.

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 provides the following definitions:

*"Discrimination – unfair or less favourable treatment.*

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

*Nationality - people belonging to a particular nation either by birth, origin or naturalisation."*

The Panel noted the advertiser's response that the testimonial was sent by a customer and was not discriminatory as the customer was simply highlighting the quality of the item that they had purchased.

A minority of the Panel considered that where a product is made is often a part of the promotional material for that product and that many members of the community do associate the origin of a product with its quality, such as claims about German engineering or Swiss precision. A minority of the Panel considered that the wording of the testimonial indicated that the person giving the review believed the product to be of higher quality than other similarly priced products which might be produced in China.

A minority of the Panel considered that the advertisement was making a broad claim that products manufactured in China are generally considered to be of lower quality, however the minority of the Panel considered that this statement related to the manufacturing industry of a particular country, and was not a statement about Chinese people. A minority of the Panel considered that the advertisement did not show Chinese people to be receiving unfair or less favourable treatment, and that the advertisement did not humiliate, intimidate, incite hatred, contempt or ridicule of Chinese people.



The majority of the Panel considered that using positive affirmations about country of origin as well as negative aspersions were a stereotype about the quality of items which are manufactured by a particular country and equally is a statement which is also a reference to the craftsmanship and skill of people in that country.

The majority of the Panel considered that the statement “when I opened the packages it was immediately evident from the quality of manufacture and finish of the components that it had not been made in China. This was quickly endorsed by the tremendously clear and logical assembly instructions and upon completion, the excellence of the finished product and its level of detail” to be representative of a clearly held negative stereotype that products manufactured by Chinese people are inferior and the associated instructions are sub-standard.

The majority of the Panel considered that the statement implied that Chinese people were not capable of producing high quality products or of writing clear assembly instructions. The majority of the Panel considered that the advertisement did suggest unfair or less favourable treatment of Chinese people and as such the advertisement did contain material which discriminated against people on the basis of nationality.

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

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

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

We will remove this testimonial in our next print run.