



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0238-21
2. Advertiser :	Newsomes Tyre & Mechanical
3. Product :	Automotive
4. Type of Advertisement/Media :	Radio
5. Date of Determination	25-Aug-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features the voiceover:

Accented VO: Throughout the years, locals have been searching for the expert in tyres...Search no longer...The Tyre Master has been here all along...at Newsomes Tyre & Mechanical, Gladstone Road...South Rockhampton.

Corporate VO: For the best tyre advice, and access to the big brands... ..contact the Tyre Master a k a Daryl Newsome and the team at...(jingle tail)

THE COMPLAINT

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

I believe this radio advertisement (or versions of it) has been running for some years now. The speaker in the advertisement uses an over-accentuated offensive stereotypical portrayal of an Asian (Chinese or Japanese) accent. I find it highly unlikely that they employed a speaker with such a natural accent so I can only assume it was a deliberate fake accent. Why do they need to have such an accent anyway? I find it offensive and am quite amazed that a radio station would create and air such an advertisement in this day and age. Unfortunately I do not have a recording of it but it's been broadcast regularly for some years now so they can't exactly deny it. I lodge a complaint to the radio station itself and they referred me to this department.



THE ADVERTISER'S RESPONSE

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

The advertisement is a continuation of a series of creatives whereby we have promoted the business owner and well known tyre industry identity, Daryl Newsome as 'The Tyre Master'. The character we have developed for Mr Newsome is based on the Karate Kid movie and Mr Miyagi character. Those are the instructions provided (as noted on scripts) to our voice-over talent supplier. This is a standard character voiceover and has been used to bring the character to life in this series of creative. The commercials are complimented by a professionally produced jingle.

In no way was this creative developed with the intention to discriminate or vilify the asian community and in fact the business and this agency have only received positive feedback on this creative, including from asian clients and suppliers to Newsomes Tyre & Mechanical.

The radio advertisement running in July 2021 was developed to promote the physical location of the store/workshop as there is a second, unrelated 'Newsomes Tyres Northside'. The radio advertisement is aired in concert with a TV commercial.

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 complainant's concern that the advertisement features a person putting on an Asian type accent.

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

Section 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.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?



The Panel noted that it had considered a similar issue in case 0317-20, in which:

“The Panel noted that the advertisement references a “renovation guru” and that the person does have an accent, however noted that the nationality or region of origin of the guru is not specified. The Panel considered that the accent appears to be genuine and is not excessively exaggerated or embellished....The Panel considered that use of other nationalities’ accents is not necessarily discriminatory or vilifying. The Panel considered that the accent used in the advertisement is not excessively or deliberately false, and considered that most members of the community would not interpret the portrayal to be mocking the south Asian accent. However, the Panel considered that advertisers should take into account that social attitudes are evolving and the use of racial or ethnic references in this way are becoming less in line with community expectations.”

A minority of the Panel considered that unlike case 0317-20, the accent in this advertisement is exaggerated and unrealistic. A minority of the Panel considered that the exaggerated nature of the accent, and the lack of a link between the advertised product and Asian culture, meant that the overall impression of the advertisement is one which reduces Asian culture to a stereotype in an attempt at humour. A minority of the Panel considered that the advertisement mocked Asian culture and did vilify a section of the community on account of race.

The Panel acknowledged that community standards in this area are evolving, and that there is an increased sensitivity in the community to issues such as cultural appropriation and casual racism.

The Panel noted the advertiser’s response that the accent was intended to represent a Mr Miyagi style character. The Panel noted that the story of the advertisement played on the concept of a kung fu master, and that the accent was used as part of this well-known stereotype. The Panel considered that the stereotype used was not in itself negative and that the advertisement was not clearly disparaging of Asian culture.

The Panel considered that the depiction of Asian people or Asian cultures in the advertisement does not rise to a level that is unfair nor in a manner that would be likely to humiliate or incite ridicule.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion



Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.