



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

# Case Report

1	<b>Case Number</b>	<b>0259/18</b>
2	<b>Advertiser</b>	<b>ALDI Australia</b>
3	<b>Product</b>	<b>Food and Beverages</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>06/06/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Nationality

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens with a shot of corned beef silverside on a chopping board. A sword sound is heard and then the words "hee-ya". The silverside is shown to have been sliced, and there is a silverside sandwich next to it. A sword sound is heard again and then the words "hee-ya". A bowl of salad with sliced silverside is shown. Voice over: Corned beef silverside. A sword sound is heard again and the words "ya-ya-ya". A plate of silverside and mashed potatoes appears. Voice over: Now only six dollars a kilo. A 'Super Saver' price point appears with \$6/kg & Save 99c and an 'Australian Made' logo. The price point is sliced in two just before the ad cuts to the ALDI endframe. Voice over: ALDI. Good. Different.

## THE COMPLAINT

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

*The commercial was a mockery of East Asian culture, with the voice-over putting on an exaggerated poor rendition of a Chinese accent to fit the ad's 'kung fu' theme. I object*





*to racist caricatures on television in 2018, especially from such a large brand and on prime-time television where this kind of behaviour will be seen by many people and thus normalised.*

## **THE ADVERTISER'S RESPONSE**

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

### *The complaint*

*The advertisement that is complained of is a 15 second TVC for ALDI. It was broadcast on free to air television in NSW, Victoria, Queensland, South Australia and Western Australia in the period 2 May 2018 to 19 May 2018.*

*The complaint we are responding to claims that the advertisement is in breach of clause 2.1 of the AANA Code of Ethics (the Code) on the grounds that it was “a mockery of East Asian culture, with the voice over putting on an exaggerated poor rendition of a Chinese accent to fit the ad’s ‘kung fu’ theme” and that it amounted to a “racist caricature”.*

### *ALDI response to the complaint*

*The advertisement is a meme. It attracts viewer attention in part by invoking the sounds and images of East Asian martial arts.*

*There are many films and cartoons in popular western culture which do the same; just some are the Kung Fu Panda franchise, the Lego Ninja movie, Shaolin, Karate Kid, Kung Fu Hustle, Avatar, Dragon Ball Z and Jackie Chan cartoons. They are all based on exaggerated and stylised martial arts vision, and often audio. None are “racist” within the meaning of the code.*

*Further, the advertisement adopts the super effective cutting of corned beef by the unseen sword as a metaphor for ALDI’s super effective cutting of price – from \$6.99 to \$6 per kilo as demonstrated by the slicing of the price point at the culmination of the advertisement. In this way the martial arts setting plays a part in the narrative of the advertising message.*

*We do not consider that the advertisement would be construed by reasonable viewers as mocking East Asian cultures. Nor do we consider that reasonable viewers would construe the advertisement as amounting to a racist caricature.*

### *Compliance with the Code*

*For the reasons set out above, ALDI considers that applying prevailing Australian*



*community standards, the advertisement cannot be said to be in breach of s 2.1 of the Code or of any other part of Section 2 of the Code. For the sake of completeness, we have also considered the AANA Food and Beverages: Advertising and Marketing Communications Code, and consider that the advertisement also complies fully with this code.*

*We request that the complaint be dismissed.*

## **THE DETERMINATION**

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

The Panel noted the complainant’s concern that the advertisement is a mockery of East Asian culture.

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

The Panel noted that this television advertisement is for corned beef. It features scenes of the corned beef being cut with a sword sound effect and ‘kung-fu’ type music in the background.

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 noted the complainant’s concern that the advertisement features racist caricatures.

The Panel considered the advertiser’s response that the advertisement uses a theme which is common in many western culture movies and television programs. The Panel also noted the advertiser’s response stating that the sword sound effects are a metaphor for ALDI’s slashing of prices.

The Panel noted that the advertisement’s voiceover is a caricature of Kung-Fu reference and is a falsified accent. The Panel considered that the advertisement is



referencing a martial arts theme consistently throughout the advertisement and does so in a manner that is not inciting ridicule.

The Panel considered that the advertisement does not depict Asians or the Asian culture 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 and does not breach Section 2.1 of the Code.

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

