



Case Report

1	Case Number	0267/11
2	Advertiser	Energy Watch
3	Product	House Goods Services
4	Type of Advertisement / media	TV
5	Date of Determination	27/07/2011
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- Other Other - miscellaneous
- 2.1 - Discrimination or Vilification Ethnicity
- 2.1 - Discrimination or Vilification Race
- 2.3 - Violence Domestic Violence

DESCRIPTION OF THE ADVERTISEMENT

An Indian man with a strong accent asks a male householder if he would like to switch to his energy company and save money. The man is agreeing and we hear a whistle blowing and then a blonde woman appears and tells the householder that he should shop around for the best deal using Energy Watch to get the best deal. The householder's wife then drags him away by his ear.

THE COMPLAINT

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

As an Australian of Indian heritage I find it offensive that Energy Watch is using a stereotype of Indians as door knockers that too one with a forced Indian accent . On breakfast TV which children do watch before heading out to school it merely is reinforcing the prejudice that Indians are door knockers, telemarketers and taxi drivers. I find the ad racist and given that there are hardly any Indians or Asians in ads on Australian TV it merely is pandering to a stereotypical depiction of my heritage. While the ad aims to communicate a useful message it does so by promoting racism denigrating my culture and race and following the stereotypical perception of Indians. Racist? Hell yes. As a Caucasian and as a comedy industry professional I was incredibly embarrassed and offended by such a clumsy and stupid attempt

at 'humour' - clearly playing on the racial stereotypes. I was deeply offended by the portrayal of a door to door salesman of Indian heritage clearly pushing a product to a young couple who are about to 'sign up'. The connotations of the advert are clear it reaffirms the stereotype of the 'overseas call centre' whereby people cannot understand sub continental accents and the 'immigrant worker stealing jobs from the everyday Australian. I work in a call centre in Melbourne and have experienced the problems first hand when colleagues from India who have been subjected to overtly racist customers. Therefore this sort of advert only fuels the undercurrent of racism that still exists within a minor proportion of Australian citizens and I would not like to witness it again. I can only imagine how someone from India may actually feel watching this perhaps I may speculate as its been allowed to be shown on prime time Channel Ten they may feel unwelcome in Australia. It seems an extremely archaic way to advertise a product that is supposed to be beneficial to the general public but is ironically conversely harmful to the public. I know that a lot of people who do door to door selling or information/product promotion are overseas students or new immigrants - it does NOT mean that they are disreputable or shonky. I object to this advertisement as racist. The salesperson is of a different skin colour to all the other people in the commercial. He is portrayed as having a thick Indian accent that is difficult to understand the first time he speaks the second time it is easier. He is saying i will give you a '35% discount'. I think it implies that this salesperson is shifty and just trying to get a deal. We have had such a difficult time in Melbourne trying to address incidents of violence against Indian students and it is my concern that this kind of advertising contributes to racism. I have undertones that Indian people are sly and all work in this kind of marketing. My view about this particular advertisement was an immediate appalling in use of an Indian look like person to describe a "Dishonest deal". The portrait of an ethnic person in here gives the message to some that is OK to avoid dealing with such groups and also promotes racial profiling for as a negative agenda in our society. I am not an Indian or a descendant either. My reason for the complaint is that I believe these types "Cheap Shot" advertises are an insult to our freedom of speech and the great sense of multi-cultural aspects that we enjoy in our country Australia. I found the advertisement racist. It might not be racist in the sense of vilifying the Indian man but it is racist in that it plays on stereotypes of Indians doing low-paid jobs and the fact that the person who then pushes in front of the man is white makes it feel racist and rude towards him. The impression left by the ad for me was that the door to door salesman is worthless and should be pushed aside. The nationality of this character did not need to be highlighted to get the purpose of this ad across. The advertiser has deliberately written the salesman as ethnic and deliberately written the couple as middle-class white Australians so as to appeal to (if not scare) a certain demographic. Not really cool in what should be a progressive multicultural society. I find this commercial EXTREMELY racist and offensive. There are very serious undertones to this advertisement. If it is acceptable for Blue-Eyed White People to blow a whistle and show Asians a Red Card then Hitler will indeed be proud. I am offended by the representation of the salesman at the door. He is an Indian man who speaks in very broad Indian accented English and is smarmy and pushy. I feel this is racist and stereotypical of Indian salespeople. It seems to reinforce stereotypes of telesales people. I believe the ad promotes racist stereotypes. The salesman character in the advertisement is played by a man who appears to be of Indian descent. The salesman character is portrayed with an exaggerated emphasis on his race and characteristics of past stereotypes of Indian mannerisms reminiscent of the depiction of people of Indian origin that you might have seen in 1970s comedy shows. The racist undertones of this advertisement is further added to by the three other characters in the advertisement all appearing to be of Anglo Saxon white origin.

THE ADVERTISER'S RESPONSE

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

In reference to the complaints made, Energy Watch complies with Section 2.1 as we do not discriminate or vilify any cast member. The commercial depicts the salesperson as well dressed & pleasant, the husband responds positively to his offer. Only when the wife & electricity umpire comment on how they should compare their rates is when the doorknocking service becomes questionable. Is it the doorknocking service which is portrayed in a questionable manner, not the salesperson. We have several employees and associates of Indian decent and they were part of our test audience prior and after the completion of the commercial, and it received a most positive response. Section 2.2 allows the marketer to portray violence if it can be justified within the context of the service offered. Energy Watch strongly believe that having the wife pull the husbands ear was in a comical manner and not intended to be taken seriously. No violence or pain was induced on any of the actors during filming. The commercial was portrayed in a manner to be taken as humorous. The actress used to play the 'electricity umpire' we use for most Energy Watch marketing collateral, soon to be all marketing collateral. In no way did we intend on using her character as a 'white blonde woman' or 'white blonde saviour'. Kylie (the electricity umpire actress) has been present within marketing collateral for Energy Watch and Freedom SEO for the past 12 months (Freedom SEO being the second company the business owners have interest in) and this is the first set of complaints directed at Kylie that we have seen. We utilise Kylie for her professionalism and dedication to the Energy Watch group of companies. The information we receive from the public is that discounts claimed by doorknocking salesman are usually misleading and people are being pressured into signing up on the day. At Energy Watch we want to educate the consumer, and encourage them to shop around and be aware of all the terms and conditions of the contracts they are being offered. This is why the doorknocking service is portrayed as questionable compared to an Energy brokering service. The ad is shown in a comical nature and obviously in extremes, in no way did we intend it to be offensive to anyone.

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 depicts Indian people in a stereotype as door knockers, is reinforcing prejudice, is racist and misleading and discriminatory and demeaning by depicting the Indian man as dishonest. The Board also noted complaints that the wife is violent to her husband and that the man is depicted in a stereotypical manner as being unable to make a decision. 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...” A minority of the Board considered that the use of an Indian man as the door knocker was a reflection of the diversity of Australian culture and an exaggerated parody of door to door salesmen and that most people would not consider the image discriminatory. The majority of the Board considered, however, that the depiction of the door to door salesman as an Indian

man with a strong accent does perpetuate a stereotype, and is one that would generally be considered to be a negative stereotype of a person from a particular racial background. The Board also considered that the subtle suggestion that the Indian man may not be completely honest is also offensive and that is vilifying Indian people. The Board determined that, in this instance, the advertisement does depict Indian people with a negative stereotype about their occupation and honesty. The Board considered that the advertisement does discriminate against or vilify Indian people on account of their race or ethnicity. The Board determined that the advertisement breached Section 2.1 of the Code. The Board also noted complaints that the depiction of the husband is a stereotype in depicting him as being incapable of making a decision. The Board considered that the man is not depicted as being incapable of making a decision rather that he is depicted as being well intentioned but overruled by his wife. The Board considered that this depiction was not a depiction that appears to apply to all men and is not a negative. The Board noted the complaint concerning the woman pulling the man by his ear. The Board considered whether the advertisement was in breach of section 2.2 of the Code. Section 2.2 of the Code states that “Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.” The Board noted the advertiser’s response and that the action of the woman is relatively mild. Some members of the Board considered that, although intended to be humorous, the advertisement depicts mild violence between a couple and this violence is not relevant to the advertised product. However the majority of the Board noted that the image of the couple is a minor part of the advertisement and that most members of the community would find the advertisement humorous and would recognise that it was not encouraging or condoning violence, but rather an exaggerated representation of a disagreement between a couple over a household decision. On this basis the Board determined that the advertisement did not depict or condone violence and was not in breach of section 2.2 of the Code. Finding that the advertisement breached section 2.1 of the Code the Board upheld the complaints.

ADVERTISER RESPONSE TO DETERMINATION

We appreciate that a minority of people have found our commercial not to their liking, the vast majority of the response has been positive. Due to the commitment we have placed in booking advertising space, we are not in a position to remove the commercial completely at this stage. We will look at reducing air time and removing the commercial in the coming weeks, but we cannot guarantee a date of removal. Following consultation with CAD, the ASB has negotiated for the advertisement to be withdrawn from Television by 12 August 2011.