



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0268-21
2. Advertiser :	L & J Webb Fencing
3. Product :	Professional Service
4. Type of Advertisement/Media :	Radio
5. Date of Determination	13-Oct-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a voice-over saying, "Famous fences of the world, brought to you by L and J Webb fencing".

A man with a Chinese accent says, "Oh the great fence of China".

The voice-over says, "six-thousand kilometres of pure Colourbond steel in evergreen with lattice infill panels".

A man with a Scottish accent says, "Hadrian's tubular steel fence".

The voice-over says, "keeping out the Picts with classical spear-top finishes".

A man with an American accent says, "Attention! A security fence at Fort Knox".

The voice-over provides further information on the business.

THE COMPLAINT

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

The ad uses a voiceover of a characterised and stereotyped Chinese man talking about the Great Wall of China. The accent used in that way is distasteful and offensive.



THE ADVERTISER'S RESPONSE

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

The commercial was originally made around 2000 and was reproduced in 2014 describing different fencing L & J Webb Fencing supply.

This commercial has been running on MMM 95.3 and HIT 96.9 for over 20 years with no complaints. There are two accents used in this commercial with the one in question only saying five words. I do not feel this can be categorised as racist or offensive as it is not derogative to a person or race it just mentions a very famous landmark.

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 uses a voiceover of a Chinese man and that the accent is used in an offensive manner.

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 0238-21, in which:

"A minority of the Panel considered that ... 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.”

In this case, the Panel considered that the advertisement used several exaggerated accents as well as themed background music to represent various nationalities.

The Panel considered that while all the accents were exaggerated, the nationalities represented were held up as examples of countries that had built famous fences and were not presented in a negative light. The Panel considered that the advertisement did link the nationalities referenced with the product of fencing.

The Panel considered that the depiction of Asian/Scottish/American people or Asian/Scottish/American 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.