



Case Report

1	Case Number	0285/17
2	Advertiser	Chemist Warehouse
3	Product	Health Products
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/07/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts two women reaching out to grab the last tub of fish oil and then grappling with each other. A Chemist Warehouse employee then appears and points to shelves full of supplements while a male voiceover describes the various deals on offer. The final scene shows the original two women smiling at one another as they select products from the shelves.

THE COMPLAINT

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

There were two Asian women fighting over vitamins which seems to stereotype Asian women who fight for vitamins and pay too much for them.

I find this advertisement highly offensive as it is racial stereotyping of Asian people or Asian women in particular, in a rude and aggressive manner. As my occupation as a Pharmacist in Australia, I am aware of a tourist phenomenon of visitors from Asian countries such as China, having high purchasing demand for Australian vitamins and supplements. I am well aware of the reputation they have for boorish behaviour. This advertisement is a troubling perpetuation of Chinese tourist stereotypes, which do not represent the majority. Australia is a multi-cultural nation, I find this advertisement unjustly categorises and negatively impacts Australian Asians and a large majority of Asians (from China or otherwise) which do not exhibit this sort of behaviour. Furthermore considering Australia heavily relies on the

tourism dollars of China, this discriminatory advertisement does not work in favour of welcoming tourists from international countries. As the advertisement does not specify the two Asian women as tourists, it also adds fire to the current racism that is all over current affairs (in Australia and Worldwide) against immigrant families - in this case - impacting Australian born Asian Immigrants. Chemist Warehouse blatantly shows that despite making fun of the tourist behaviour, they are happy to exploit the tourists and make money off the situation and their shopping habits. This advertisement should not be allowed to air on television.

THE ADVERTISER'S RESPONSE

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

The complainant appears to be suggesting the advertisement breaches section 2 of the Code specifically that the advertisement is in some way discriminatory.

In direct response to the complainants deemed breach of Section 2 of the code, Chemist Warehouse respond as follows;

- There is nothing in the advertisement that is sexually explicit*
- There is no nudity nor sex in the advertisement.*
- Nothing in the advertisement is exploitative nor degrading.*
- The advertisement is not discriminatory nor vilifying of any member of the community the ad is not designed nor does it act to stereotype Asian women as suggested by the complainant but rather endeavours to show that all customers should rush in a grab a bargain during the vitamin sale. The use of two Asian women is not and was never intended to perpetuate a stereotype (a stereotype that was unknown to CW) that Asian women are "boorish" bargain hunters on the contrary the customers are meant to simply reflect the broader Australian community. Little to no thought was to given to the ethnicity of the actors for the customers in the ad.*
- None of the language could be deemed offensive.*
- Nothing in the advertisement could be seen to be contrary to prevailing health and safety practices and standards.*

In short Chemist Warehouse contend that any reasonable person could not infer that the advertisement is in any way discriminatory nor in any other way in breach of Section 2 of the Code.

We will gladly provide the Bureau with further detail as and when required, though given the nature of the advertisement and the nature of the complaint we would not expect that anything more is required to enable the Bureau to dismiss the complaint upon review.

THE DETERMINATION

The Advertising Standards Board (the “Board”) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement depicts two Asian women fighting over vitamin supplements which is racial stereotyping and offensive.

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

The Board 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 Board noted this television advertisement features two women reaching out to grab the last tub of fish oil supplements on the shelf in a Chemist Warehouse and at the end of the advertisement the same two women smiling at one another at a different shelf which is full of supplements.

The Board noted the advertiser’s response that the two women in the advertisement were not chosen because of their race and there was no intention to suggest that Asian women are ‘boorish’ bargain hunters.

The Board noted that while the two women do initially reach for the last remaining tub on a shelf the Board considered that the most likely interpretation of this scene is that the women are keen to get a bargain, as would any member of the Australian community. The Board acknowledged that there is a community awareness of the high demand for some products, such as baby formula, by some Asian consumers and a minority of the Board considered that a depiction of two Asian women struggling over a therapeutic item could be considered to be reflecting this awareness in a negative manner although in the Board’s view this suggestion is not strong enough to be a breach of this Section of the Code. The majority of the Board however noted that Australia is multicultural and that there is not a strong suggestion that the women are fighting over the product because they are Asian and in the Board’s view the advertisement is inclusive rather than racist.

The Board noted that the two women are shown smiling at one another at the end of the advertisement and considered that there is no suggestion that their behaviour in the advertisement is because of any Asian heritage they may have, but rather because as average Australian consumers they are keen to grab a bargain. The Board noted that the final scene of the advertisement depicts a range of people of different genders, ages, and physical appearances and considered that overall the advertisement depicts a mix of people in a manner which does not discriminate against or vilify a person or section of the community on any grounds.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

