



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0297/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Gympie Foam and Rubber</b>
<b>3</b>	<b>Product</b>	<b>House Goods Services</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>28/08/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Race

### DESCRIPTION OF THE ADVERTISEMENT

Men in sumo suits load mattresses on to a truck whilst a voiceover in a mock Asian accent talks about the deals available at Gympie Foam and Rubber.

### THE COMPLAINT

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

*I find this ad offensive and racist. The men are getting around in sumo suits and the voice over puts on an affected Asian accent. This is inappropriate and offensive. I do not believe that this ad should be broadcast.*

### THE ADVERTISER'S RESPONSE

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

*I consider this complaint to be unwarranted.*

*Our commercial is a feel good- light hearted one with 2 Sumo wrestlers shopping at Gympie foam and rubber.*

*Sumo wrestling is now a multinational sport.*

*Sumos traditionally have an unmistakable presence and the suits used in the spot are made of foam and Rubber our product.*

*This portrays Sumo's, size & strength in an entertaining way and compliments our product. Sumo Characters have appeared in many advertising campaigns nearly always in a light hearted presence. See the Fuso truck TV commercial link below*

*Most importantly*

*There are no racist comments in the voice, text or any derogatory/rude gestures or actions in the spot whatsoever to breach the codes you quote.*

*The spot is about Sumo wrestlers and not any specific race or nationality of Sumos.*

*As Sumo is a sport originated in Japan we feel it would be authentic to use an appropriate character voice to support the premise.*

*Character voices are an everyday part of TV & Radio ads to add the right feel and entertainment. Mexican, Irish Italian Chinese Japanese English Ocker etc. but unless combined with derogatory language inappropriate rude gestures or text that vilify, are clearly not racist. Otherwise there would be no interesting radio or TV ads.*

*We are supposed to be the most Multicultural nation on earth so why not promote diversity. Sumo is now a world sport recognized by the International Olympic committee and we have our own Australian Sumo federation follow this link. Our funny ad may even assist with an interest in the sport locally?*

*[www.sumoaustralia.com.au](http://www.sumoaustralia.com.au)*

*As a Small country town business our very limited budget did not stretch to hiring Sumo talent like big companies so we used the suits and myself and Business associate.*

*This added to the comedy effect and has brought us a ton of stick in good-natured comment including from a couple of regular Japanese, Korean and Chinese clients. They all think it's great.*

*Our Sumos are Aussie ones and as owner & staff who can be easily recognized from the commercial and is great for recognition.*

*We've had no negative comment on the spot whatsoever from our customers.*

*It's also important to note that Sumo characters have long been used in marketing campaigns. Like the Mitsubishi Fuso campaign "Not so Squeazy" that featured 3 huge Sumo's in the front cabin of a Fuso truck to demonstrate they had a bit of room for their elbows. In the other truck they bump each other in and out. Once again Funny but not racist in any way shape or form and very similar premise to our spot*

*This was on TV, Press & Bill boards for ages and quite recently. Their mascot on the current site is a large cartoon Sumo. Here's a link for their TVC*

*<http://www.youtube.com/watch?v=apK3JWt-Bm8>*

*Toshiba Strong Electronics like the Strong set top Box*

*Fujitsu and many more have had Sumo characters in recent times.*

*While it may or may not be the case it is possible that this complaint is from a business competitor or done on their behest.*

*While I get on well with most of my industry peers in the Wide Bay and Sunshine coast there are a few competitors who seem to resent our strong growth and market share in recent times. This campaign has been very effective, interesting and not an entirely new approach in marketing. It has been done before.*

*I was quite confounded to receive a complaint as there are no racist comments text etc. in the spot whatsoever.*

*The complaint quotes racist but not even specify a nationality?*

## **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 complainant’s concerns that the advertisement is offensive and racist in its depiction of men dressed in sumo suits and an affected Asian accent.

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 the advertisement features two men dressed in sumo suits whilst an Asian voice over promotes the advertised product.

The Board noted the complainant’s concerns that the use of the Asian accent and the depiction of men in sumo suits is offensive and racist. The Board noted that this local advertisement does not make any comments about people from Asia and considered that the use of the Asian accent is in keeping with the sumo theme of the advertisement.

The Board noted that the voiceover makes reference to sumo sized mattresses and considered that the use of two men wearing sumo suits in this context amounts to an overall depiction which is light hearted and humorous and is a clearly unrealistic image focusing on the use of the product to undertake a wrestling with the size of the sale analogous to the well know size of sumo wrestlers. The Board noted the size of sumo wrestlers is integral to their success and considered that in this instance the portrayal of the sumo wrestlers is not negative. The Board considered that most members of the community would agree that the content of the advertisement and does not amount to a depiction of people of Asian descent which would be considered demeaning, offensive or racist by most reasonable members of the community.

Based on the above the Board considered that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society.

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.

