



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0305-19
2. Advertiser :	Foxtel
3. Product :	Entertainment
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	25-Sep-2019
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This Facebook advertisement is a cartoon style and depicts representations of various countries. The Advertisement is an anime (Japanese animation) style promotion to reflect the location of the Rugby World Cup 2019 in Japan. The Advertisement features rugby players from top tier nations as warriors and follows the story of the Golden Warrior who sets off on a quest for the mythical Golden Chalice, representative of the Rugby World Cup Trophy. The Golden Chalice was once within the Golden Warrior's reach before he was defeated by an army of darkness. In the hopes of claiming the Golden Chalice, the Golden Warrior travels to the land of the rising sun where warriors from England, South Africa and Ireland gather. The Golden Warrior battles the other warriors before coming face to face with his nemesis, the legendary dark lord, resembling the All Blacks rugby team. The Advertisement finishes with the campaign's tagline, "Every game, every nation of Rugby World Cup only on Fox Sports".

THE COMPLAINT

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



It was polarising, highlighted characteristics of Japanese people that they don't have, used a accent they don't have. I was absolutely racist and offensive.

THE ADVERTISER'S RESPONSE

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

We refer to the Complaint made against Foxtel Management Pty Limited (Foxtel) which was received from Ad Standards on 10 September 2019.

Description of the Advertisement

From the information provided by Ad Standards, we understand that the Complaint relates to a recent 60 second advertisement promoting the upcoming launch of the Rugby World Cup 2019 on the FOX Sports channel on the Foxtel service (the Advertisement).

The Advertisement is an anime (Japanese animation) style promotion to reflect the location of the Rugby World Cup 2019 in Japan. The Advertisement features rugby players from top tier nations as warriors and follows the story of the Golden Warrior who sets off on a quest for the mythical Golden Chalice, representative of the Rugby World Cup Trophy. The Golden Chalice was once within the Golden Warrior's reach before he was defeated by an army of darkness. In the hopes of claiming the Golden Chalice, the Golden Warrior travels to the land of the rising sun where warriors from England, South Africa and Ireland gather. The Golden Warrior battles the other warriors before coming face to face with his nemesis, the legendary dark lord, resembling the All Blacks rugby team. The Advertisement finishes with the campaign's tagline, "Every game, every nation of Rugby World Cup only on Fox Sports".

The Advertisement was created and produced internally by FOX Sports Creative and scheduled for broadcast on the Foxtel platform, Facebook, Instagram, Twitter and YouTube between 17 August 2019 and 11 September 2019. As the Advertisement was not placed on free-to-air television, it did not receive a classification by CAD.

The Complaint

The Complaint includes the allegations that the Advertisement "highlighted characteristics of Japanese people that they don't have" and "was absolutely racist and offensive".

Applicable provisions of the AANA Code of Ethics

Ad Standards has raised Section 2.1 of the Australian Association of National Advertisers Code of Ethics (the Code) as an applicable provision in the context of the Complaint. Section 2.1 requires that:



“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, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.”

Referring to the AANA Code of Ethics Practice Note, Foxtel does not consider that the content of the Advertisement falls within the stated guidelines as to the definitions of “discrimination” and “vilification”. The guidelines refer to behaviour that is “unfair or less favourable” and “humiliates, intimidates, incites hatred, contempt or ridicule”, and it is Foxtel’s view that in no way does the Advertisement create an overall negative impression of, nor discriminate or vilify a person or section of the community based on their nationality.

The tone of the Advertisement is light-hearted and humorous and Foxtel does not consider that the portrayal of the Japanese accent, or any other accent within the Advertisement, mocking. It is important to note that the main voice over within the Advertisement was done by a Japanese artist; all other accents were done by a second voice over artist. Foxtel considers the use of the accents within the Advertisement were justified in the context and served a particular purpose, i.e. to highlight the varying nations participating in the Rugby World Cup. Further, Foxtel submits that the Advertisement does not make any disparaging, derogatory or demeaning comments in reference to Japanese people; or any other group of people, nor are the accents of the voice overs portrayed in a negative manner.

Foxtel notes Ad Standards has previously dismissed similar complaints. For example, Ad Standards did not consider the use of an Asian accent in the context of the Tiger Lil’s advertisement to be vilifying of Asian people as it did not present Asians in a negative manner (case number 0085/12). Ad Standards considered that the manner in which the Irish accent was delivered in the Nupipe Plumbing advertisement (case number 0482/14) was consistent with an exaggerated and amateur delivery of the accent rather than intentionally trying to mock or discriminate against a person of Irish heritage, finding that the Advertisement was not in breach of Section 2.1 of the Codes.

For the above reasons, we submit that the Advertisement does not depict material that discriminated against or vilified any person or section of the community and therefore the Advertisement does not breach Section 2.1 of the Code. Further, we submit that the Advertisement does not breach any other provisions of the Code.

Foxtel takes the Complaint very seriously and regrets any offence caused to the complainant, their family or anyone else.

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 viewed the advertisement and noted the advertiser's response.

The Panel noted the complainant's concern that the advertisement is racist towards Japanese people.

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 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 is racist towards Japanese people by highlighting characteristics that they don't have and using an accent that they don't have.

The Panel noted that the complainant did not identify what characteristics of Japanese people are depicted incorrectly, and the Panel was not able to identify any particular issue of concern.

The Panel noted the advertiser's response that the main voiceover in the advertisement was done by a Japanese voice artist.

The Panel noted it had previously considered a similar issue in case 0085-12, in which: "The Board noted that the advertisement features an actor using a heavily accented Asian accent and that the Advertiser acknowledges that this "plays on a stereotype". The Board considered that the use of an Asian accent is not vilifying of Asian people in the context of this particular advertisement as it does not present Asians in a negative manner."

The Panel considered that use of another nationalities' accent is not, of itself, discriminatory or vilifying. The Panel considered that the accent used in the advertisement is not excessively or deliberately false, and considered that most members of the community would not interpret the portrayal to be mocking the Japanese accent.

The Panel considered that most members of the community would consider using a Japanese accent in the context of an advertisement promoting a sporting event being in Japan to be reasonable, and the Panel considered that the advertisement does not depict the Japanese people or the Japanese culture in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule.



The Panel noted that other nations participating in the 2019 Rugby World Cup, including England, Scotland, South Africa and New Zealand were also referenced by characters in the advertisement. The Panel considered that none of the other cultures identified were depicted in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of nationality and determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.