



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0313/18
2	Advertiser	Moon Active
3	Product	Entertainment
4	Type of Advertisement / media	Internet - Social
5	Date of Determination	25/07/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Nationality
- 2.1 - Discrimination or Vilification Race
- 2.3 - Violence Violence

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features comedians Superwog and depicts a husband and wife (Betty and Brian), both played by male actors. Betty is playing a game on her phone and Brian comments that she has been playing the game for 10 hours straight. Betty tells him to get lost, then he asks if she's Facebook friends with the 'Chinese bloke' next door. She responds yes she is, because then she can attack his village. Brian then asks if you can attack anyone's village in the game and when she responds yes choral music sounds to indicate he is impressed. Details of the app are shown and Brian states that you should download Coinmaster so you can attack your mates' villages. Betty and Brian are then seen sitting next to each other, both playing on their phones.

THE COMPLAINT

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

All of these ads, while comedic in nature, portray harmful stereotypes and topics such as glorified domestic violence, unhealthy relationships and racism in an advertisement





targeted towards a younger and easily influenced demographic, who would be the main consumers of this app. The channel superwog1 has a video up named “Working in a Restaurant” which has one of the aforementioned clips from above within it, but the videos can’t be found anywhere else on YouTube so the company cannot be held accountable for the content. Although comedic in nature, they could be seen as disturbing and in my opinion are not appropriate for the main demographic of viewers who would be seeing the ads before partaking in the content they are actually looking to enjoy.

Please contact me if you want to follow this case up, I would be happy to attempt to record the ads the next time they are up in order for them to be properly consumed and assessed. They may not be easily viewable on a regular basis due to them only being targeted towards consumers both my age and younger, so if I can be of any assistance please let me know. This is quite serious but masked in such a way where the advertisements are being shown to thousands to millions of people without any way of reporting them properly.

THE ADVERTISER’S RESPONSE

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

1. About the Company

The Company is a game development company focused on iOS, Android and Facebook games.

2. Submissions

For the reasons below the complaint should be dismissed.

a. Discrimination or vilification

The complainant asserts the advertisement discriminates against or vilifies a person or section of the community (“Assertion”) through its portrayal of two individuals with an Australian accent playing the game because their Chinese friend is playing the game too.

The Company rejects this Assertion because the advertisement does not focus on the characters’ ethnicity, and is therefore not seen to be representative of all people of that ethnicity.

While the complaint centers around the interpretation of the couple’s portrayal as being a depiction of “stereotypical Australians”, nothing in the advertisement, save



the actors' accents, informs the reasonable viewer that the characters are Australian. Furthermore, while Betty is playing a mobile game against some undepicted Chinese neighbor, it is clear from the advertisement that the characters are most interested in the ability to attack other players' villages – a feature that is mentioned 3 times in the 28-second clip and clearly emphasized as a main draw of the game.

As in case 0105/16, it is clear that there are in the advertisement no acts of inequity, bigotry or intolerance or anything that depicts unfair, unfavorable or less favorable treatment which may constitute racial discrimination, and no acts of intimidation, hatred, contempt or ridicule which may constitute racial discrimination. Moreover, as in case 0046/14, casting an actor with a strong accent of a particular group of people does not portray such a group in a negative or humiliating way.

Therefore, consistent with Ad Standards' previous decisions on the issue of discrimination and vilification on the basis of race, the Company submits Ad Standards must dismiss this complaint.

b. Exploitative or degrading

The advertisement does not employ sexual appeal.

c. Violence

The complainant asserts that the advertisement portrays domestic violence ("Assertion").

The Company rejects this Assertion because the mention of violence, i.e., "attacking a friend's village", is entirely in the context and scope of playing the game being advertised. As in case 0413/16, most reasonable members of the community, in viewing the advertisement and hearing the foregoing phrase, would not reach the conclusion that the advertisement is suggestive of domestic violence. Furthermore, similarly to cases 0166/16, 0248/16 and 0538/17, a depiction of or reference to violence in connection with the playing of a mobile game, when advertising the game, is justifiable in the context of the product being sold.

d. Sex, sexuality and nudity

The advertisement does not depict or make reference to sex, sexuality or nudity.

e. Language

The advertisement does not use obscene language, and uses language which the Company believes is appropriate for the audience, especially in light of the fact that the Company's target audience for its games specifically excludes children under the



age of 16, as set forth in its online policy.

f. Health and Safety

No element of the advertisement depicts material contrary to Prevailing Community Standards on health and safety.

g. Distinguishable as advertising

The advertisement is clearly distinguishable as such to the relevant audience.

h. Additional submissions

The influencer duo, known as Superwog, has 800,000 subscribers to their YouTube channel, and is recognized by additional mainstream media companies such as ABC, Screen Australia, and Film Vic. Furthermore, every advertisement on YouTube must be pre-approved in accordance with its and Google's highest standards.

We hope this response has addressed the concerns raised in your letter to us and ask that the complaint be dismissed.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the Code).

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

The Panel viewed the advertisement and noted the advertiser's response.

The Panel noted that this television advertisement features YouTube comedians Supeperwog, and depicts a husband and wife (Betty and Brian), both played by male actors. Betty is playing a game on her phone and Brian comments that she has been playing the game for 10 hours straight, then he asks if she's Facebook friends with the 'Chinese bloke' next door. She responds yes she is, because then she can attack his village. Brian then asks if you can attack anyone's village in the game and when she responds yes choral music sounds to indicate he is impressed.

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 of the Code which 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 portraying harmful stereotypes and is racist.

The Panel considered the advertiser’s response that the advertisement does not feature any acts of inequality, bigotry or intolerance or anything that depicts unfair, unfavourable or less favourable treatment.

The Panel considered first considered the portrayal of the characters Betty and Brian. The Panel considered that the advertisement is a satire of Australian stereotypes, and that these stereotypes were humorous and not discriminatory or vilifying of any person or group of people.

The Panel noted that some members of the community may find this portrayal in bad taste, however noted that the issue of taste is not one which falls under any provision of the Code.

The Panel then considered the reference to the Chinese neighbour and whether this reference was discriminatory or vilifying.

The Panel considered that the reference to ‘Chinese bloke next door’ is unfortunate and is a reference that is singling out a person on the basis of their race.

The Panel however considered that in this instance, the description ‘Chinese’ is being used to identify which neighbour is being referenced, and is not being used in a way which is commenting on or making inferences about the man’s race or ethnic background.

The Panel considered that it is not just the Chinese neighbour whose village is being attacked in the game, but all of Betty and Brian’s ‘mates’, and there is no suggestion that the man is being singled out or treated differently because of his race.

In the Panel’s view the advertisement does not single out, discriminate against, or vilify any person or section of the community on the basis of race and does not breach Section 2.1 of the Code.

The Panel considered whether the advertisement breached Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or



portray violence unless it is justifiable in the context of the product or service advertised".

The Panel noted that the only violence referenced in the advertisement was a suggestion that neighbouring villages in the game could be attacked, and that this was not actually depicted in the advertisement.

The Panel considered that a reference to a feature in the game was not a depiction of violence.

In the Panel's view the advertisement did not depict violence and did not breach Section 2.3 of the Code.

The Panel considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted that the character of Betty is holding a cigarette throughout the advertisement and considered whether this was a depiction which would be against prevailing community standards on health and safety in relation to tobacco smoking.

The Panel noted it had recently considered an advertisement in case 0141/18 which featured a still image from a popular Australian TV show, in which one of the characters holding a cigarette. In this case:

"The Panel noted the advertiser's response that the Facebook advertisement was a shared article from another website which had written a favourable article about ADLI's wine and the proposition that the article header, which is effectively a comedic spoof, depicts well established and known comedians whose comments and character representation appears to be entirely within character, and whose poor lifestyle habits form a fundamental part of their character.

The Panel considered that the advertisement itself does not promote smoking, and the post line acknowledges the satire of the picture. The Panel noted that the text below the picture, linking to the original website, makes it clear that the article and advertisement is related to ALDI Liquor, not cigarettes.

The Panel considered that the image of Kath and Kim combined with an understanding of their associated character flaws is not a depiction that could be interpreted as promoting or glamorizing cigarette smoking."

Similar to case 0141/18, the Panel considered that in the current advertisement the cigarette was part of the satire related to the character of Betty, and was unlikely to be interpreted as promoting or glamorizing cigarette smoking.



The Panel also noted that the cigarette was not lit, and the character was not seen to actually smoke the cigarette at any time.

The Panel noted there is a high level of community concern with regards to smoking and considered that the message of the advertisement is not necessarily contrary to this concern as it does not encourage or condone smoking of cigarettes.

In the Panel's view the depiction of the woman holding an unlit cigarette was not glorifying tobacco smoking and would not be contrary to prevailing community standards on health and safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.

