



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0317-20
2. Advertiser :	Gambier Tile Centre
3. Product :	House Goods Services
4. Type of Advertisement/Media :	Radio
5. Date of Determination	21-Oct-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features the voiceover:

Man: Renovation Guru, tell me why my cheap tiles broke after one day.

Guru: The bitterness of poor quality remains long after the sweetness of low price is forgotten.

Man: Oh, um yeah, quality.

Woman: He means we needed to go to Gambier Tile Centre. Like I told you.

Man: (Groans)

Voiceover: Gambier Tile Centre. Great advice and quality products that will last. Huge range of colours, styles, textures and designs. Do it right the first time and see what quality really looks like at the Gambier Tile Centre showroom. Commercial Street East.

THE COMPLAINT

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

The genie character is voiced by someone putting on a south asian type accent.

THE ADVERTISER'S RESPONSE





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

I refer to your letter dated 12 October 2020 regarding a complaint (Complaint) made by a complainant and submitted to Ad Standards on 28 August 2020. The Complaint concerns an advertisement (Advertisement) by Gambier Tile Centre in relation to its tile products.

Description of the Advertisement

The Advertisement was created by Southern Cross Austereo in response to a brief by the Advertiser. The Advertisement was approved by the Advertiser in January 2018. The Advertisement runs for 30 seconds and promotes Gambier Tile Centre's tile products.

The Advertisement involves a conversation in which a man asks a 'Renovation Guru' why his tile broke. The Renovation Guru notes that "the bitterness of poor quality remains long after the sweetness of the low price is forgotten". A female voiceover notes that this means they needed to go to the Gambier Tile Centre, and another male voiceover finishes the advert by outlining the products and location of the Tile Centre. A digital copy of the Advertisement, and the script, accompanies this response.

Broadcast of the Advertisement

The Advertisement has been regularly broadcast on SAFM 96.1 (formerly Hit 96.1) & 96.3 Triple M since 1 February 2018 (over 2,000 times in total). While we respect the right of any member of the community to complain about an advertisement, we note that no other complaint has been received in relation to the Advertisement in the two years and eight months that the Advertisement has been on air.

Section 2.1 of the AANA Code of Ethics

Your letter indicates that the Advertisement raises issues under section 2 of the AANA Code of Ethics (Code), particularly section 2.1 (discrimination or vilification\race). Section 2.1 of the Code sets out that 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.

It is our submission that the Advertisement does not breach section 2.1 and our comments in this regard are set out below:

The complainant's concern is that in the Advertisement "the genie character is voiced by someone putting on a south asian type accent".

The complainant noted the Advertisement was in relation to a genie granting wishes.



We clarify that the Advertisement involves a man asking the advice of a ‘Renovation Guru’ who responds with one line that “the bitterness of poor quality remains long after the sweetness of the low price is forgotten”.

The Renovation Guru was intended to be an imaginary character from another place. While the actor playing the Renovation Guru delivers this line in a foreign accent (to Australia), the Ad Standards Community Panel has previously considered that the use of another nationalities’ accent is not, of itself, discriminatory or vilifying. (1)

We also do not consider that the content of the Advertisement falls within the stated guidelines as to the definitions of “discrimination” and “vilification”, being “unfair or less favourable treatment” or behaviour that “humiliates, intimidates, incites hatred, contempt or ridicule”.(2) The Advertisement does not refer to any race or nationality, nor make any disparaging, derogatory or demeaning comments in reference to any particular race or nationality. The Advertisement does not poke fun at the Renovation Guru character nor portray him in a negative manner. The tone of the Advertisement is light-hearted, and it is our view that the Advertisement does not create an overall negative impression of any race or nationality.

Finally, we note that the Advertising Standards Board has previously dismissed similar complaints in relation to the use of accents in advertisements where, in context, the advertisement did not present the relevant nationality in a negative manner. (3)

For all of the above reasons, it is our submission that the Advertisement does not breach section 2.1 of the Code.

- 1. Case Number 0305/19*
- 2. AANA Code of Ethics: Practice Note – November 2018*
- 3. See for example: Case Number 0085/12, Case Number 0482/14,*

Other sections of the Code

We do not consider that the Advertisement raises any issues under the other sections of the Code, as the Advertisement:

- does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (section 2.2);*
- does not present or portray violence (section 2.3);*
- does not present sex, sexuality or nudity (section 2.4);*
- does not employ strong or obscene language (section 2.5);*
- does not depict material contrary to Prevailing Community standards on health and safety (section 2.6); and*



- *is clearly distinguishable as a message paid for by the Advertiser to promote its tile products (section 2.7).*

Other Codes

We do not consider that the Complaint falls within the remit of the AANA Code for Marketing & Advertising Communications to Children or the AANA Food & Beverages – Advertising & Marketing Communications Code.

Conclusion

For the reasons set out above, we request that the Complaint be dismissed.

We look forward to your determination. If you require any further information, please do not hesitate to contact me.

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 features a person putting on a south Asian type accent.

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

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 that term guru is defined by Cambridge Dictionary as:

- a religious leader or teacher in the Hindu or Sikh religion
- a person skilled in something who gives advice: a management guru; a lifestyle guru

The Panel noted that the advertisement references a “renovation guru” and that the person does have an accent, however noted that the nationality or region of origin of the guru is not specified. The Panel considered that the accent appears to be genuine and is not excessively exaggerated or embellished.



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 other nationalities’ accents is not necessarily 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 south Asian accent. However, the Panel considered that advertisers should take into account that social attitudes are evolving and the use of racial or ethnic references in this way are becoming less in line with community expectations.

The Panel considered that the advertisement does not depict south Asian people or south Asian cultures 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.