



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0349-19</b>
<b>2. Advertiser :</b>	<b>Whytes Chartered Accountants</b>
<b>3. Product :</b>	<b>Professional Service</b>
<b>4. Type of Advertisement/Media :</b>	<b>Print</b>
<b>5. Date of Determination</b>	<b>23-Oct-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This print advertisement feature an image of an Asian woman in a business suit and the words 'She won't call you Mate, buy you lunch or talk about the Eagles. But she will save your business 33-50% a year on accounting fees'.

Additional information on the business is provided at the bottom of the advertisement.

### THE COMPLAINT

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

*This advertisement perpetuates stereotypes and has been produced without thought for how it comes across. There are not many mainstream ads/media that involve Asian people (particularly women), so to use that image here implying that she won't do "normal" things like "call you Mate" etc etc and can't engage in small talk is offensive and demeaning. Also implying that people who are "top graduates" are somehow incapable of talking to others (creating the image of a stereotypical "nerd" who doesn't know how to socialise and is some sort of robotic entity that only has the capacity to do work) is distasteful, offensive, and simply inaccurate. All up I am quite*



*surprised this advert ever made it past the boardroom meeting - it seems like a piss-take off the Gruen Transfer.*

### **THE ADVERTISER'S RESPONSE**

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

*Whytes advertising is based on exactly what Whytes offers clients and the professional staff that clients will be working with.*

*This advertisement is a factual representation of our firm.*

*Our advertising openly and proudly describes the traits of our staff and the firm. We are proud of these traits. We are not portraying any of the stereotypes and innuendo that have been raised by the complainant.*

*This Whytes advertisement has been running for over 3 years without complaint. In fact, all the feedback that we have received from clients and new clients has been very positive.*

*Before we ran this advertisement, we ensured that we had sign off from our top 10 clients and a panel of sensitive women.*

*The Asian female in our advertisement was chosen because in our opinion she portrayed: confidence, seriousness, professionalism with no BS, which is the way Whytes wants to be perceived.*

*We have attached another advert that we are running as well for your reference.*

*Whytes currently have 16 full-time staff with 2 more full time staff scheduled to begin on about November 15th, 2019.*

*The composition of our 18 staff is:*

- 16 are women of which 14 are Asian (none were born in Australia), 1 is African, and 1 is French*
- 2 are Asian males*
- 3 of our most senior 4 partners and managers are women*

*Not one of our staff (male or female) would call a client Mate, buy a client lunch or knows anything about the Eagles, and is not interested in making small talk with clients.*

*Whytes are here to complete our clients work expertly and efficiently.... Premium Accounting at ½ the price.*

*Whytes background:*



- *Whytes has been established for over 36 years.*
- *Whytes has a client retention rate of over 99%+.*
- *Whytes offer 'Premium accounting at ½ the cost'*
- *Whytes is a meritocracy which means we recruit the very best and smartest staff we can. Being a Whytes team member has nothing to do with who you know, what school you went to or anything else.*
- *Whytes would be considered a very high-performance, high-rewarding environment, with highly paid and highly valued staff*

## **THE DETERMINATION**

The Ad Standards Community Panel (“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 demeaning towards the Asian woman in the advertisement by implying that she won’t do normal things, and suggests that people who are top graduates from university are incapable of talking to other which is offensive.

The Panel viewed 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 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 suggests that people who are top graduates from university are incapable of talking to other which is offensive.

The Panel noted the sentence “We hire only the top percentiles of graduates to work at Whytes...What they may lack in ability to make small talk, they certainly make up for in speed, accuracy and expertise”.

The Panel noted that people of high intelligence or university graduates are not a section of the community referenced in the Code of Ethics. However the Panel considered that while the advertisement might reference a stereotype of accountants or university graduates being socially awkward, the overall impression of the



advertisement is that this group of employees are going to give clients the best work and outcomes. The Panel considered that this was not unfavourable treatment.

The Panel noted the complainant's concern that the advertisement is demeaning towards the Asian woman in the advertisement by implying that she won't do socially acceptable small talk or drinks with clients.

The Panel considered the advertiser's response that the woman in the advertisement was chosen because she portrayed confidence, seriousness and professionalism. The Panel noted that there is no reference to her racial background in the advertisement.

The Panel noted that the language in the advertisement stating "She won't call you mate, buy you lunch or talk about the Eagles". The Panel considered that this statement is in relation to the woman being a professional accountant, not a friend, and is supported by the statement further down the page that states "Our business clients and high net worth individuals already have friends to chat to, so they don't need us for that". The Panel considered that this reference is not implying that the woman is incapable of being friendly or is socially awkward, but rather that she is a professional who is focused on achieving the best results for clients, rather than on trying to be a friend.

The Panel recognised that there is a stereotype of people of Asian descent being good with mathematics or sciences, but considered that most members of the community would not consider that stereotype to be a negative one. The Panel considered that this depiction of a stereotype of traits of intelligence is not negative and therefore is not discriminatory or vilifying.

The Panel considered that the racial background of the actor in the advertisement is not a focus of the advertisement and is not referenced in the stereotype. In the Panel's opinion the advertisement does not depict a woman of Asian background in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule. The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of nationality or race.

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