



Case Report

1	Case Number	0453/15
2	Advertiser	powershop.com.au
3	Product	House Goods Services
4	Type of Advertisement / media	Billboard
5	Date of Determination	25/11/2015
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The billboard advertisement has a headline 'Kill Bills' alongside an electricity powerpoint plug socket themed using several martial arts references.

THE COMPLAINT

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

Likening a power socket to an Asian face is derogatory.

THE ADVERTISER'S RESPONSE

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

Powershop is a challenger brand looking to attract apathetic customers from their crusty old electricity company.

The Powershop brand positioning is that of the customer champion and we are positioning ourselves as different from the rest – we are younger, less corporate and a real alternative to the major players.

Our message is aimed at the household budget manager in Victoria and NSW who is feeling

resentment towards their existing electricity supplier. With our current campaign we are encouraging this market to switch to Powershop with the use of fun and engaging ads referencing heroic pop culture characters.

The use of electricity plug sockets as the face of characters in our campaigns is something Powershop has become known for over the past 24 months. The specific advertisement is also only one execution of a wider humorous campaign referencing pop culture genres.

The powerpoint plug socket used in the 'Kill Bills' advertisement draws general inspiration from several martial arts movie characters but is in no way intended to, nor does it, reference a Japanese face nor a specific nationality, background or ethnicity .

As to whether the advertisement referred to contravenes section 2 of the AANZ Code of Ethics, we do not see that there has been any breach of categories s2.2 – s 2.6. Specifically the advertisement is not exploitative or degrading, does not promote violence, or involve sex, sexuality or nudity, utilises plain language and raises no health and safety issues.

In respect of the alleged contravention of s2.1, specifically, that the advertisement falls within the prohibition of discrimination or vilification, we do not believe this allegation is founded. On any fair reading of the advertisement, it is difficult to form the opinion that the advertisement discriminates or vilifies any group of persons. The intent of our campaign is to cause laughter, not offence and we believe the public will perceive the advertisement in the spirit it is intended.

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 likens a power socket to an Asian face which is derogatory.

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 this billboard advertisement features a power point with a kung-fu style bandana across the top and what looks like three scratches on where the cheek would be if this were a face.

The Board noted that ‘powerpoint’ is a derogatory term which can be used to describe an Asian face (The Racial Slur Database, www.rsdb.org/race/asians).

The Board noted the advertiser's response that they have used electricity plug sockets in their campaigns for the past two years and that this particular advertisement is just one execution of a wider campaign referencing pop culture genres.

The Board acknowledged the context of the broader advertising campaign which includes different uses of the power socket to represent different genres but considered that its role in this instance is to consider the advertising material in isolation as a stand-alone advertisement as this is how it was viewed by the complainant and how it would be viewed by many members of the community.

The Board noted the reference to the movie 'Kill Bill' and considered that the style of text with the line through it and the overall look of the advertisement is reminiscent of the DVD cover for the movie.

A minority of the Board considered that the focus of the advertisement is on the movie theme and the use of the 'Kill Bills' text is suggestive of fighting power bills. The minority of the Board acknowledged the link between 'powerpoint' as a stereotypical reference to a person of Asian descent but considered that the advertisement's focus is on a movie rather than a particular race or ethnicity and that overall the advertisement does not depict material which discriminates against or vilifies a person or section of the community on account of race.

Following considerable discussion however the majority of the Board noted that it is not uncommon for the term 'powerpoint' to be used as an offensive and derogatory term to describe a person of Asian descent and considered that the manner in which the power socket in the advertisement is accessorised is strongly suggestive of a link between an Asian face and a powerpoint configuration. The majority of the Board acknowledged the link between the image and text and the movie "Kill Bill" but considered that the advertisement's link between a power socket and an Asian face would be considered negative and offensive by many members of the community.

The majority of the Board considered that the advertisement did depict material which discriminated against or vilified a person or section of the community on account of race.

The Board determined that the advertisement did breach Section 2.1 of the Code.

Finding that the advertisement did breach Section 2.1 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

While Powershop Australia Pty Limited (Powershop) respects the determination of the Advertising Standards Board (the Board), it is disappointed by it and does not agree with it. Out of respect of the Board's determination, the advertisement will be removed from public viewing.

Powershop notes that the Board's decision was not unanimous and as noted in the determination there was 'considerable discussion' prior to the majority of the Board's finding that that the complaint should be upheld.

The Board's reference to 'The Racial Slur Database', a publicly accessible website to which anyone can contribute, to establish that 'powerpoint' is a derogatory term which can be used to describe faces of Asian appearance is concerning. Further, the data is entirely unverified. The Racial Slur Database website states that:

"This database was created entirely from data gleaned off the net and via submissions from people like you and your parents. It's supposed to be funny and/or informational."

Powershop questions whether such an unverified webpage should be used to determine whether a term may vilify or discriminate against a person or section of the community on account of race and notes that the same page includes a large range of common household items as representing Asians (such as Post It, raisin, Lego and a banana).

Powershop would like to emphasise the fact that the powerpoint face used in the "Kill Bills" advertisement is consistent with all Powershop marketing materials and forms part of Powershop's registered trade mark. Powershop wishes to further make it clear that it in no way intended to offend any person or section of the community.