



Case Report

1	Case Number	0484/12
2	Advertiser	Choosi Pty Ltd
3	Product	Insurance
4	Type of Advertisement / media	TV
5	Date of Determination	12/12/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

An elderly lady describing why she decided to use 'Choosi' to choose her insurance provider, one of those reasons being they have an Australian call centre: "The Australian call centre was a nice surprise".

THE COMPLAINT

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

As an Australian of mixed heritage, I find this reasoning to be racist and offensive. Casual racism in advertising is not acceptable. The majority of Australians are only familiar with Indian call centre employees, and this reasoning in advertising feeds an already strong undercurrent of racism directed particularly at one ethnic group.

THE ADVERTISER'S RESPONSE

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

Response to this complaint

We acknowledge that the advertisement includes the statement that has been complained about. However, we disagree with the complainant's view that this is a racist remark that contravenes the AANA Code of Ethics (the Code) either directly or by implication.

Section 2.1 of the Code provides 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...'

The advertisement does not present any material that could be called discriminatory, and the complaint does not appear to propose that the advertisement is discriminatory in nature. Rather the complaint is focused on a perception that by mentioning the Australian call centre, the advertisement has provided material that depicts the vilification of a section of the community on racial, ethnic, or national grounds. Indeed the complainant uses the word 'offensive' to describe his or her reaction to the advertisement.

We have a number of responses to this.

First, the description 'Australian call centre' is a statement of fact: Choosi operates a call centre that is wholly located in Australia. The word 'Australian' is an adjective and accordingly its meaning is dependent on the words that are used with it. In this context the word Australian is describing a call centre, which is a type of business. We submit therefore that the two most reasonable interpretations are that it refers to either the corporate status of that business (ie: an Australian registered company) or the location of the business (ie: the business is located in Australia).

In both of these contexts we argue that using the term 'Australian call centre' is synonymous with describing a product as Australian made. We accept that this implies that we believe there are intrinsic benefits to having an Australian call centre over call centres located elsewhere, in the same way that manufacturers are making similar implications when they label their products as Australian made. Moreover we know that our target market is generally of the same view, with recent research finding that a significant majority of surveyed customers prefer dealing with call centres that are based in Australia.

Second, even if you were to take the view that this statement was describing the racial and ethnic background of the people employed within the Choosi call centre, it is a stretch to suggest that this is an implicitly negative statement denigrating a particular race or ethnicity. It is well understood that Australia is populated by people from a diverse range of racial and ethnic backgrounds. To describe a person as Australian therefore says nothing about their race or ethnicity.

Furthermore we submit that, in fact, the employees that make up Choosi's call centre are a representative cross-section of Australia's racial and ethnic diversity. More specifically the make-up is a representative cross-section of the Western Sydney population (where Choosi's principal place of business is located), which is arguably one of the most racially and culturally diverse regions in Australia. Accordingly, if it is suggested that use of the term 'Australian call centre' was an unconscious assertion of racial or ethnic superiority by a predominantly Anglo-Australian workplace, this doesn't match the reality of Choosi's working environment.

Third, should you determine that these words evoke some unintended negative depiction of a

section of the community on the basis of their race, ethnicity or nationality, to contravene the Code that depiction must be sufficiently negative as to be said to vilify that section of the community. The common meaning of vilify is 'to revile with abusive or defamatory language'.

We note that the particular aspect that offended the complainant was that the customer in this advertisement stated that she was pleased with the fact that the call centre is Australian. While we regret that any offense was taken, we argue that this statement is fairly innocuous and could not reasonably be portrayed as abusive or defamatory.

Conclusion

As described above, the phrase 'Australian call centre' in the context with which it is used is clearly describing the location of the call centre and not the racial or ethnic make-up of the employees working within the call centre. We further argue that the word 'Australian' is racially and ethnically neutral, and at any rate the statement made cannot accurately be described as vilifying.

We understand that, at times, individuals can develop their own connotations with words and take offense to descriptions that, to the great majority of the community, are perfectly acceptable. We argue that this is the only plausible explanation for this person's reaction to the complained-of advertisement.

Accordingly we request that the Advertising Standards Board find that no breach of the Code has occurred in this instance.

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 is racist and offensive in its reference to an Australian call centre.

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

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: "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..."

The Board noted that the advertisement features a woman expressing her "pleasant surprise" that Choosi has an Australian call centre. The Board noted that it had previously dismissed a complaint regarding a similar reference to Australian call centres (case 0006/11).

The Board noted that when the woman in the advertisement mentions an Australian call centre we see an image of a Caucasian woman receiving a call in a call centre environment. The Board noted the complainant's concerns that most Australians would associate call centres with Indian employees based in India and that the advertisement is racist in its suggestion that an Australian call centre is preferable.

The Board noted that some members of the community could interpret the advertisement as suggesting that overseas call centres are negative and in turn this presents a negative impression of overseas workers as well. The Board considered however that the more likely interpretation is that the advertisement is stating that the call centre is based in Australia rather than overseas and that consequently it would be better able to answer local concerns. The Board noted that the advertisement does not make any comments about specific races or nationalities and whether they should or should not be working in a call centre which services customers based in Australia and considered that the advertisement does not discriminate against people on account of race, nationality or ethnicity.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community and did not breach Section 2.1 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.