



Case Report

1	Case Number	0524/16
2	Advertiser	Simplot Aust Pty Ltd
3	Product	Food and Beverages
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	07/12/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Race

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement is for John West's new tuna tempters product "Street Asian". The Advertisement features the well-known John West bear, in a "K-Pop" (popular Korean-pop style) music video. The video is set against an Indonesian street market backdrop and features The John West Bear dancing with K-Pop dancers. The lyrics explain the new "Tuna flavour Asia" range from John West featuring Indonesian, Korean, Thai and Malaysian flavours.

The clip features authentic Korean K-Pop dance group AO Crew, with music produced by Indonesian duo The Sutardy Brothers and Chinese rapper GMC.

THE COMPLAINT

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

It's racist. I've lost count of the Asian stereotypes portrayed in a deficit manner.

THE ADVERTISER'S RESPONSE

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

We refer to your letter regarding the above matter.

You have advised Simplot that the complaint raises concerns under section 2 of the AANA Code of Ethics (Code) and will be considered at the upcoming meeting of the Advertising Standards Board (Board). As requested, we have assessed the complaint by reference to all relevant AANA Codes.

We are committed to conducting all advertising and promotions to the highest standards and we take seriously any complaints made in relation to any such advertising and promotion.

We have set out our response to your request/queries below.

Complaint

The complaint received asserts:

It's racist. I've lost count of the Asian stereotypes portrayed in a deficit manner.

Description of the Advertisement

The Advertisement is for John West's new tuna tempters product "Street Asian". The Advertisement features the well-known John West bear, in a "K-Pop" (popular Korean-pop style) music video. The video is set against an Indonesian street market backdrop and features The John West Bear dancing with K-Pop dancers. The lyrics explain the new "Tuna flavour Asia" range from John West featuring Indonesian, Korean, Thai and Malaysian flavours.

The clip features authentic Korean K-Pop dance group AO Crew, with music produced by Indonesian duo The Sutardy Brothers and Chinese rapper GMC.

Airing

The video was placed on the John West webpage, YouTube channel and distributed via Facebook advertisement to a broad range of customers and Facebook users for the period 13th November – 11th December

Audience

The audience of the respective programs was not predominantly children.

Relevant Codes

AANA Code of Ethics

We submit, having regard to Section 2 of the AANA Code of Ethics that:

- the Advertisement does 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, and accordingly, the Advertisement does not contravene Section 2.1 of the AANA Code of Ethics;*
- the Advertisement does not employ sexual appeal, and accordingly, the Advertisement*

does not contravene Section 2.2 of the AANA Code of Ethics;

- *the Advertisement does not present or portray any violence which is not justifiable in the context of the product advertised, and accordingly, the Advertisement does not contravene Section 2.3 of the AANA Code of Ethics;*
- *the Advertisement is not in any way sexually suggestive, and accordingly, the Advertisement does not contravene Section 2.4 of the AANA Code of Ethics;*
- *the Advertisement does not feature language which is inappropriate in the circumstances and is not inappropriate for the relevant audience and medium, and accordingly, the Advertisement does not contravene Section 2.5 of the AANA Code of Ethics; and*
- *the Advertisement does not depict any material which is contrary to Prevailing Community Standards on health and safety, and accordingly, the Advertisement does not contravene Section 2.6 of the AANA Code of Ethics.*

In relation to the Complaint, as to whether the advertisement is racist, we state as follows:

- *The advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race;*
- *The advertisement does not promote any act of discrimination, prejudice or vilification;*
- *The advertisement does not portray a negative depiction of any of the actors on the basis of their race;*
- *The Advertisement presents an authentic K-Pop style music video that is a celebration of a Korean style of pop music that is dramatic, exciting and very popular across the world and seen in a positive light and does not in any way perpetuate a negative stereotype;*
- *The K-Pop style music video does not present a generalised set of traits and characteristics (negative or otherwise) attributed to Korean people which would give rise to expectations that Korean people would conform to those traits or characteristics;*
- *In creating the clip, John West sought counsel from those with backgrounds from the cultures represented; This is evidenced by the clip featuring authentic Korean K-Pop dance group - AO Crew, and music produced by Indonesian duo The Sutardy Brothers, and Chinese rapper GMC; The Sri Lankan born director, experienced in such genres, further ensured that the integrity and authenticity of the K-Pop style of music video was achieved;*
- *The clip was created as a professional reflection of a legitimate and positive style of Asian music in good spirits and with no malice towards any culture represented; and*
- *We consider that an ordinary consumer and the community would not consider that the Advertisement was in any way racist, portraying a negative racial stereotype (or any stereotype) or in any other way be inappropriate or offensive.*

Accordingly, the Advertisement does not contravene Section 2.1 of the AANA Food Code.

With regard to the other sections of the AANA Food Co, we state:

- The Advertisement does not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonable be considered as excess consumption through the representation of product or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Standards, and accordingly, the Advertisement does not contravene Section 2.2 of the AANA Food Code;*
- The Advertisement does not contain any health or nutrition claims. Accordingly, the Advertisement does not contravene Section 2.3 of the AANA Food Code;*
- The Advertisement does not include any implied or explicit health related comparisons, and accordingly, the Advertisement does not contravene Section 2.4 of the AANA Food Code;*
- The Advertisement does not make reference to consumer taste or preference tests, nor use any scientific terms to falsely ascribe validity to advertising claims, and accordingly, the Advertisement does not contravene Section 2.5 of the AANA Food Code;*
- The Advertisement does not make reference to taste, size, content, nutrition and health benefits which are non-specific to the promoted product or inaccurate in all such representations, and accordingly, the Advertisement does not contravene Section 2.6 of the AANA Food Code;*
- The Advertisement does not appear within segments of media devoted to general and sports news and/or current affairs, and accordingly, the Advertisement does not contravene Section 2.6 of the AANA Food Code;*
- The Advertisement does not portray the product as a substitute for meals, and accordingly, the Advertisement does not contravene Section 2.8 of the AANA Food Code; and*
- The Advertisement complies with the AANA Code of Ethics and the AANA Code for Advertising and Marketing Communications to Children is not relevant, and accordingly, the Advertisement does not contravene Section 2.9 of the AANA Food Code.*

We note that clause 3 of the AANA Food Code does not apply to the Advertisement, as the Advertisement is not targeted to Children.

On the basis of the above, we do not consider that the Advertisement contravenes the AANA Food Code, having regard to Sections 2 and 3 of the Code or otherwise.

Please note that Simplot is a signatory to the Responsible Children's Marketing Initiative (RCMI) and Simplot states that this advertisement was in full compliance with the RCMI as it was not promoted or directed primarily to children.

Based on our comments above, we do not consider the Advertisement to be in breach of the relevant Codes or unsuitable for display as Advertising and Marketing Communications (as defined in the Codes).

We trust that our comments above will help to alleviate the complainant's concerns and assist the Board in its deliberation of the complaint.

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 portrays negative Asian stereotypes. The Board reviewed 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 that this Facebook advertisement features the John West bear in a ‘K-Pop’ (popular Korean-pop) style music video. The video is set against an Indonesian street market backdrop and features the John West bear dancing with K-Pop dancers. The lyrics explain the new ‘Tuna Flavour Asia’ range of flavours. The Board noted the advertisement features authentic Korean K-Pop dance group AO Crew, music produced by Indonesian duo the Sutardy Brothers and Chinese rapper GMC. The Board considered that the advertisement is highly stylised as a K-Pop video and appeared very similar to the popular Gangnam Style music video. The Board considered that the advertisement was not a negative depiction of Asian culture, but rather a celebration of the culture in the context of an Asian tasting range of products. The Board considered that while the advertisement may include Asian stereotypes, the stereotypes did not hold the culture up to ridicule or contempt but rather are a positive demonstration of the K-Pop style and reflective of Asian culture to highlight the Asian taste of new products. The Board 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 race. The Board determined that the advertisement did not breach Section 2.1 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.