



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0529/17</b>
<b>2</b>	<b>Advertiser</b>	<b>AAMI</b>
<b>3</b>	<b>Product</b>	<b>Insurance</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>06/12/2017</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Ethnicity

## DESCRIPTION OF THE ADVERTISEMENT

AAMI's latest TVC for Motor Repairs with a Lifetime Guarantee, includes a woman receiving treatment - acupuncture after a car accident. The therapist is 'Dr Shen.'

## THE COMPLAINT

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

*Racist and derogatory to Chinese Accupuncturists.  
These are skilled healthcare providers.  
Appalling ad.*

## THE ADVERTISER'S RESPONSE

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

*Comments in relation to the complaint (taking into account the need to address all aspects of the advertising codes).*

**COMPLAINT RECEIVED ON:** 17 November, 2017

**COMPLAINT DESCRIPTION:** Discrimination or Vilification Ethnicity

**REASON FOR CONCERN:** Racist and derogatory to Chinese Accupuncturists.

*We would like to address the concerns and provide some commentary relating to our advertising approach in the recent 'Dr Shen' execution, in particular section 2.1 of the AANA Code of Ethics.*

*At your request and to alleviate any other concerns, we will address all of section 2 of the AANA Code of Ethics, as well as sections 3.1 and 3.3.*

#### *2.1 - Discrimination or vilification*

*At no point during any AAMI advertising do we portray people or depict material in a way which could be discriminatory, nor we do set out to vilify people or sections of the community.*

*In the Dr Shen script we've characterised the acupuncturist as Chinese for two reasons:*

- 1) "Dr Shen" is a play on words for "Danke Schoen" which is the music track that accompanies all AAMI advertising, and Shen is a common Chinese surname*
- 2) Chinese Medicine & Acupuncture clinics are incredibly common so it stands to reason that Vivienne would be recommended one for her sore feet*

*The complaint also addressed the believability of Vivienne flinching when the dry needle was applied, as these needles do not hurt. Dry needles typically don't hurt, although they can cause your muscles to spasm in unexpected ways. Unfortunately, the script wasn't written to include a backstory of Vivienne's history with acupuncture so we're left to assume why that needle caused her to flinch, whereas the others did not – The script above suggests Dr Shen hit a nerve. While he may not have done so literally, perhaps this needle caused a larger muscle twitch than Vivienne was used to?*

*Regardless, this scene isn't a reflection of Dr Shen's competence as an acupuncturist, nor does it set out to discriminate against Chinese acupuncturists more generally.*

#### *2.2 - Exploitative and degrading*

*At no point during this advertisement (or any AAMI content) do we employ sexual appeal in a matter which exploits or degrades individuals or groups of people.*

#### *2.3 – Violence*

*The Dr Shen advertisement contains a scene where our lead character, Vivienne, comically reacts to a dry needle and accidentally knee-jerks into Dr Shen's chin, temporarily knocking him out. We consider this to be slapstick comedy, which is very common in AAMI advertising. This is reinforced by Vivienne's clear concern for Dr Shen after the incident and we were very careful to ensure the Dr Shen character regained consciousness, depicted by his 'thumbs up' notion and shouting "I'm OK!"*

#### *2.4 - Sex, sexuality and nudity*

*AAMI's advertising will never include sex, sexuality or nudity.*

#### *2.5 – Language*

*The advertisement in question has no strong or obscene language and only uses language appropriate to the audience*

#### *2.6 - Health and Safety*

*As per our stance on section 2.3, the advertisement in question does not contain any material*

*contrary to Prevailing Community Standards on health and safety.*

### *3.1 - Advertising and Marketing Communications to Children*

*AAMI's core product suite is general insurance relevant for consumers aged 16 and over. And while children appear in this content for the purposes of dramatising a family whose car has broken down in a remote location, our target television audience is 25-54 year olds and the content will only appear in programming relevant for our W Rating (detailed above).*

### *3.3 - Food and Beverages Marketing and Communications Code*

*This advertisement is for AAMI's Roadside Assistance product which is an optional extra for our Comprehensive Car Insurance product.*

*AAMI is not an advertiser of food or beverage, nor a licenced wagering operator.*

*We take all complaints we receive very seriously so we appreciate you raising the issue with us.*

## **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 discriminating against Chinese Acupuncturists.

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 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 Board noted the television advertisement features a woman undergoing acupuncture, a result from not having access to her vehicle after being involved in a vehicle accident. Whilst having acupuncture the woman is startled and accidentally "knees" the acupuncturist in the head.

The Board noted the complainant's concerns that the advertisement for an Insurance company depicting acupuncture being performed by a Chinese Acupuncturist is painful when the needles are inserted is false and is a negative generalisation of Chinese Acupuncturist not being a skilled healthcare provider.

The Board considered the overall impression of the advertisement as it shows a farcical scene of a “nervous” patient visiting an acupuncturist for the first time. The Board considered that this concept was intended to be satirical and was not negative.

The Board noted the depiction of the acupuncturist as Asian in appearance and named ‘Dr Shen’. The Board considered that most members of the community would recognise the image of a Chinese Acupuncturist does present a stereotype, however the Board considered that the depiction of a person of Asian descent undertaking a profession for which Asians are famous is not a negative stereotype.

The Board considered that the acupuncturist was not depicted as hurting the patient – rather that the image was a “nervous looking” patient undergoing acupuncture and does not vilify or discriminate against Chinese people.

The Board also noted the fake name Dr Shen given to the acupuncturist and noted the advertiser’s response that the name is a reference to the song used in all of the AAMI advertisements “Danke Schoen.” The Board noted that fake names can give a demeaning context to a depiction, but considered that in this advertisement the name could be a reference to the song and in the Board’s view this does not amount to ridiculing Asian names.

The Board noted that the advertisement clearly is a satirical and light hearted use of a familiar profession and the stereotypical fear of people who have never had acupuncture and considered that in this context the advertisement is not itself inciting hatred or ridiculing or showing less favourable treatment of a person or section of the community on behalf of race or ethnicity.

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 and 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.