



## **CASE REPORT**

1. Complaint reference number	176/05
2. Advertiser	The Sharemarket College
3. Product	Education
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 Discrimination or vilification Religion – section 2.1 Other - Social values
6. Date of determination	Sunday, 12 June 2005
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The first scene in this advertisement is set in a garden. Traditional Chinese music is being played in the background. The next scene in the advertisement depicts two people sitting at a table. One of the characters is a middle-aged Chinese man. The other is a caucasian-Australian woman. The Chinese man sits at the table holding a pair of chopsticks. The man's eyes are shown to follow a fly buzzing around the room. He raises his chopsticks and catches the fly between them. He then lets the fly go. As the fly passes, the woman leaves the chopsticks on the table and picks up a can of fly-spray. She sprays the fly that is later shown to fall dead. The voiceover states: *"If you are going to trade in today's lucrative investment market you need to learn from the best. You will be wiser, more cautious and above all your decisions will be smarter"*. The logo of The Sharemarket College is then shown as is the tagline: *"Because you know better"*.

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*"... Her way is supposed to be superior. Appalling. Isn't the kill ethic wide enough without such rubbish as this."*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

*"I felt I had followed all the steps that were required in order to use the advertisement. The advertisement is a very effective and simplistic advertisement to portray what can be achieved with training and further education. The bug used is also a computer generated bug, not a living insect."*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the "Code").

The Board considered that the actions of the woman in the advertisement did not depict derogatory or demeaning treatment of the Asian character.

The Board was of the view that the actions of the woman were intended to represent a cunning and competitive edge that could be developed through further education and did not promote (in an overly aggressive or offensive manner) a "kill ethic".

The Board was of the opinion that in the context of prevailing community standards the majority of people would not find this advertisement offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of people (race or religion).

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