



## **CASE REPORT**

1. Complaint reference number	491/09
2. Advertiser	Hocking Communications
3. Product	Household goods/services
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Ethnicity – section 2.1
6. Date of determination	Wednesday, 25 November 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement depicts a man of Asian descent wearing a white lab coat. He is demonstrating how 30 Seconds Outdoor Cleaner works on many household surfaces including woodwork, decking and tiles around the pool. The man is depicted with an Euro-Asian accent and is showing how easy it is to clean with the 30 Seconds product.

## **THE COMPLAINT**

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

*The way in which the narrator talks is lampooning the way in which Asians speak. It is very derogatory and is reminiscent of the way in which migrants were depicted & degraded decades ago.*

*I question the use of the oriental man. Especially one with a bad accent. They are trying to sell an outdoor cleaning product. Why is the man an Asian scientist? Why does he need to speak with such a bad accent? There is no relevance or correlation between said 'scientist' and this product. I feel as a person of oriental descent, that this advertisement is typical of the racist undercurrent of Australian society. Clearly the accent is used to mock people with Asian accents, probably to get a laugh and perhaps attention on YouTube. It perpetuates a stereotype of Asian migrants to this country that is no longer valid. I find it offensive on a level of racism and insult to people's intelligence. I would like the advertisement removed. It takes a cheap shot at people with difficulty pronouncing our language. I find the commercial flat out, makes no sense.*

## **THE ADVERTISER'S RESPONSE**

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

*The TVC concept was presented to Hocking Australia and the Australian Distributor in New Zealand in February 2007. The creative presentation was a well thought out strategy that would break through the clutter of television commercials and raise the awareness of the 30 SECONDS brand and generate retail sales activity. The results of this creative strategy both in New Zealand and now in Australia have proven this. We were advised at the time by the creative agency that all aspects of the TVC were tested and met all industry and regulatory requirements which were in place when the final TVC was produced.*

*The TVC creativity also had in mind the Japanese market given the enthusiastic response to the commercial by the 30 SECONDS Outdoor Cleaner Japanese distributor. Taki was happy to overdub the audio in Japanese. The client is currently negotiating campaign expenditure with those concerned.*

*I would also advise that the commercial (with CAD approval) was market tested in Northern Queensland over a six week period in March and April this year with approximately 240 commercials going to air over three cities and to my knowledge no complaints were made to Advertising Standards Bureau on the 30 SECONDS Outdoor Cleaner TVC.*

*Whilst we acknowledge that every member of the Australian community has the right to express their opinion regarding any advertising material we do not believe in this case the complaints represent the views of the wider Australian community. Additionally the professional creative approach to an unusual product has been widely embraced.*

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*As the Chairman of the Australian distributor for 30 SECONDS products Dynalink Hardware it is with some surprise to myself and those organisations involved in the sales of 30 SECONDS Outdoor Cleaner in Australia that the Bureau has received two complaints against the current television commercial featuring 'Scientist Professor Taki Yamamoto'*

*As commercial concerns Dynalink Hardware and 30 Seconds Ltd NZ are very sensitive to public opinion. To this end, we took considerable care in the approval process and production of the television commercial designed to promote 30 SECONDS Outdoor Cleaner.*

*Before the commercial went to air it was shown to the Tina Hsu representative, one of the two owners of the NZ distributors for 30 SECONDS products Award Concepts. He was amused not offended. The commercial was also shown to the Japanese distributors in Japan. They also gave it their strong approval.*

*We also test marketed the commercial with a 6 week campaign in Northern Queensland in March/April of this year when 240 commercials went to air over three markets Cairns/Townsville/Mackay. Retail sales exceeded all our expectations.*

*We understand you do not sell products by offending people and this is why we have created a spokesman for 30 SECONDS who is both likeable and convincing in his demonstration of our product.*

*We believe our confidence in him has been largely justified by the extremely positive feedback we have already received from the community.*

*While we appreciate that everyone has the right to express an opinion we believe that the two complainants do not represent the feelings of the wider general community who, from our observations, have warmly embraced our 30 SECONDS spokesman.*

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*As the Creative Director, I find this attitude even more discriminatory than that of which they accuse 30 Seconds. Try telling the narrator who stars in the ad, that he has no right to appear in commercials until he speaks like a native New Zealander or Australian.*

*The narrator is not an actor. He is a former professional tour guide who has appeared in the background of a few commercials. During the 30 SECONDS commercial he does not exaggerate his performance in anyway to attract ridicule or derision. Instead, his genuine enthusiasm for the product makes him extremely likeable and convincing. His accent is the way he speaks normally. He even wears his own glasses in the commercial.*

*They refer to his "bad accent" and "lamprooning the way in which Asians speak" yet the main reason we selected him was because of his confidence and enthusiasm which clearly help promote the positive aspects of the product.*

*One complainant states "that the accent is used to mock people" which "implies stupidity," yet nothing could be further from the truth. We chose him to play the part of a Japanese scientist to give credibility to the technical superiority of 30 Seconds Outdoor Cleaner. He does so in a way which is both genuine and genuinely humorous.*

*As for the complainant's comments that the commercial "takes a cheap shot at people with difficulty pronouncing our language" again I disagree most wholeheartedly. The feedback from the wider community since this ad has been played has been extremely favourable. People love his*

*character and the expression that he uses during the commercial. The fact that the community at large has warmly embraced his character and actions demonstrates that rather than re-enforcing stereotypes, he is helping to break down barriers.*

*I believe this agency, and our client, have acted responsibly and made considerable effort to ensure this commercial reflects well on the 30 Seconds brand and all who are associated with it. My client's company is owned by two shareholders, one of whom is Asian. He, as well as their Japanese agent based in Japan, were deliberately shown the commercial to gain their opinion. Neither group was offended and both were extremely complimentary.*

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*I appear in the television commercial for 30 SECONDS Outdoor Cleaner. I wish it to be known that I am very proud of my performance in this commercial and feel that in no way does it undermine or offend the Asian community. I was extremely happy to be chosen for this campaign and I was shown great respect by everyone involved in the making of the commercial. I do not feel ridiculed or feel that I am being made fun of. The commercial is funny and it makes people happy. What could possibly be wrong with that? Since the commercial has been to air in NZ I have received warm praise and recognition from many, many people. Complete strangers have approached me in the street to congratulate me. Parents have told me the commercial is their children's favourite. While New Zealand and Australia have large Asian communities there are very few Asian faces on television. I am proud that mine is one of them and that it makes so many people smile.*

## **THE DETERMINATION**

The Advertising Standards Board ("the Board") considered whether the advertisement was in breach of section 2.1 of the Advertiser Code of Ethics ("the code").

The Board noted the complainant's concerns that the portrayal of the person of Asian origin in this advertisement was stereotyped, racist and therefore, discriminatory or prejudicial towards persons of Asian extraction.

The Board also noted that the person in the advertisement Mr Ming-Jen Huang had written to the Board to advise that he had not felt ridiculed or undermined by the advertisement and instead had received very positive feedback from members of the community.

The Board noted that this advertisement depicted an Asian man demonstrating how to use the 30 Second cleaner and the character in the advertisement did not appear to be portrayed in a negative manner. The Board noted the advertiser had in mind the Japanese market when preparing the advertisement and was intended to be light hearted and did not amount to discrimination or vilification of people of Asian extraction. The Board noted that this advertisement might also be perceived as encouraging inclusiveness since the character in the advertisement appeared to be well-integrated and had adopted mannerisms (eg: the thumbs up action) which were common amongst the Australian community.

Finding that the advertisement did not breach other sections of the Code, the Board dismissed the complaint.