

<b>COMPLAINT NUMBER</b>	18/350
<b>COMPLAINANT</b>	N Botha
<b>ADVERTISER</b>	Spark NZ Ltd
<b>ADVERTISEMENT</b>	Skinny Mobile Television
<b>DATE OF MEETING</b>	19 October 2018
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for Skinny mobile data shows two men pretending to fight, without making any physical contact. One of them says “Hi, I’m Jacky Chan, Skinny’s \$16 plan has a black belt in making customers happy.” The text “Jacky Chan, Pharmacist, Ellerslie” appears on the screen. The other man, with a European accent, replies “How much data do you get?”. Another man joins in and introduces himself by saying “I am also Jacky Chan.” The advertisement ends with information about the plan and the Skinny Mobile logo.

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complainant, N Botha, said:** I feel that this advertisement is in breach of ASA standards code rule 1(c). I believe that the advertisement is mocking the Chinese and is therefore racist. It is stereotyping and mocking Chinese culture. It also contains a man with an obviously fake and degrading accent (potentially trying to imitate Arnold Schwarzenegger)

**The relevant provisions were Code of Ethics - Basic Principle 4; Code for People in Advertising - Basic Principle 4, Basic Principle 6.**

**The Chair** noted the Complainant’s concerns the advertisement is mocking Chinese culture and is racist. The Chair noted the Complainant referred to Rule 1(c) of the Advertising Standards Code relating to decency and offensiveness. The Chair confirmed that the Advertising Standards Code did not come into effect until 1 November, however, she applied similar Rules under the Code of Ethics and the Code for People in Advertising.

In the Chair’s view, the advertisement showed a parody of a fight scene in a movie where “Jacky Chan”, “a pharmacist from Ellerslie”, is facing off against an unidentified European opponent while talking about a Skinny Mobile data plan.

The Chair said while the advertisement was offensive to the Complainant, she considered most people were likely to see the intended humour comparing the fighting skills of a pharmacist from Ellerslie with the well-known martial arts expert and actor, Jackie Chan. The Chair said the use of this humorous contrast in the advertisement meant it did not meet the threshold to cause serious or widespread offence.

The Chair ruled the advertisement was not in breach of Basic Principle 4 of the Code of Ethics or Basic Principles 4 and 6 of the Code for People in Advertising and there were no grounds for the complaint to proceed.

**Chair’s Ruling:** Complaint **No Grounds to Proceed**

**APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.