

COMPLAINT NUMBER	22/176
ADVERTISER	J H Whittaker & Sons LTD
ADVERTISEMENT	J H Whittaker & Sons LTD, Television, YouTube
DATE OF MEETING	20 June 2022
OUTCOME	No Grounds to Proceed

Advertisement: The Whittaker’s television advertisement shows a man getting in a chocolate time machine in black and white film and arriving in central Wellington to a crowd of people. New Zealand actor, Karl Urban, steps out of the machine and introduces himself as J. H. Whittaker, having travelled from 1896. He begins giving out blocks of chocolate to people, for "too much stress", "too much heartbreak" and "too much of that", pointing to a man using a phone. He then rides off on an electric scooter.

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

Complaint:

I watched the new advert featuring Karl Urban last night and it seems very racist.

At the 30 second mark, Karl says “Too Much stress” and gives someone a chocolate, then says “Too much heartbreak” and gives one to someone else.

Then says “Too much of that” (and points at an Asian mans face). This is at the 38 second mark.

The ad creators might have been attempting to say “too much technology”, but the guy is holding his phone down and Karl is pointing directly at his face.

<https://www.youtube.com/watch?v=C80ZGaqxuXE>

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

The Chair noted the Complainant was concerned the advertisement was portraying a racist message.

The Chair carefully reviewed the advertisement and said the likely consumer takeout would be that the gesture towards someone holding a phone related to people’s current reliance on mobile phones.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the exaggerated gesturing of the time traveller character in the advertisement portrayed a racist

message and if this was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair said the advertisement used a humorous and hyperbolic situation in which someone from the past is handing out chocolate to address issues he sees as concerning in the future world he has travelled to.

The Chair said the character playing J.H. Whittaker is heard saying “too much of that” as he gestures towards a person holding a mobile phone which supports the interpretation that he is referring to an action (the phone) rather than a person. The Chair said the race of the character holding the phone in the advertisement is incidental, as this scenario did not focus on ethnicity but rather the character’s interaction with the mobile device.

While acknowledging the genuine concern of the Complainant, the Chair ruled the time travelling scenario and choice of actors featured in the advertisement did not reach the threshold to be likely to cause serious or widespread offence and it was not in breach of Principle 1 and Rule 1(c) of the Advertising Standards Code.

The Chair ruled 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. Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.