



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0032-20
2. Advertiser :	Trivago
3. Product :	Travel
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features two women at a hotel check-in desk. One woman is older with grey hair, while the other appears to be in her 20s or 30s. The older woman is quoted her price and goes to pay, but as she hands over her card the younger woman is quoted a price that is less than hers. The younger woman explains the benefits of using Trivago to book accommodation.

THE COMPLAINT

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

It uses the stereotypical older female with grey hair to basically convey the message that if you're not getting the best accommodation deals on Trivago you must be really old, stupid and inept. It is denigrating older people and using them as stereotypes. The message is you're as stupid as an old person if you're not using Trivago and as you don't want to be like a stupid old person, you'll now use Trivago. Very demeaning to older people in our community. It is an ageist ad. Why is an older person with gray hair used in the ad ? It portrays older people as stupid, unaware, out of date, inept, incompetent. It dehumanises and demeans dear people in our community.



I raise an issue with the repetitive Trivago advertisement on free-to-air which could be in contravention of Section 2.1 and 2.2 of the Code of Ethics.

Two women are at a Hotel checking counter. The older woman dressed in formal style is portrayed as haughty and superior because of her Gold Card Discount. She has intentionally greyed hair to emphasise her age and gloats/is smug about the price she pays for her room. The younger woman in casual street clothes is checking into to same hotel and is offered a lower price for the room because she has used the Trivago mobile phone app. This causes the women to be instantly in competition with each other.

On considered reflection, this advertisement portrays a generalisation that older people are likely not technology savvy and will pay more for a good/service because of this. This is degrading to older people who in their lifetime have seem more technological change than younger people.

I do not like the inference that hotels/and other organisations might charge older people more for a good/service if they do not use technology. The advertisement does not need to highlight age, as the content of the ad would be the equally effective if it were two people of similar age. It could also portray a perception that women can be instantly 'bitchy' to one another.

The advertisement is not appropriate and sustains a message to the community that women can be instantly abrasive in their manner, and that older people are somehow not competent with technology.

I feel it is extremely ageist and portrays the elder lady as lacking knowledge of internet services and generally portrays older people as being less technologically aware

THE ADVERTISER'S RESPONSE

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

We disagree that the advertisement is ageist, discriminates or vilifies in any way. The use of trivago is not related to age and trivago has a large spread of users drawn from all age groups in the community.

The advertisement portrays a situation in which two people, check into the same hotel, with the only difference being that one person compared prices using trivago and booked a hotel room for a lesser price.

The intention of the advertisement is to draw the audience's attention to savings that can be had by using trivago to find a hotel. The focus of the advertisement is the use of trivago to compare prices in order to save money when choosing a hotel.

2.1 Discrimination or Vilification (Age)

Ad Standard's Determination Summary on discrimination and vilification

(<https://adstandards.com.au/issues/discrimination-andvilification/determination-summary#Age>) outlines that while some members of the community may find the stereotypical depiction of older people in advertisements patronising, advertisements



will not breach the Code unless the depiction discriminates against or vilifies a person on account of their age. This is also contained in the AANA code of ethics practice note available here: http://aana.com.au/content/uploads/2018/11/AANA_Code-of-Ethics_Practice-Note_November2018.pdf

Discrimination is defined as when someone “acts with inequity, bigotry or intolerance or gives unfair, unfavorable or less favorable treatment to one person or a group because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.”

Vilification is defined as something that “Humiliates, intimidates, and incites hatred towards, contempt for, or ridicule of one person or a group of people because of their race, ethnicity, nationality, sex, age, sexual preference, religion, disability and/or political belief.”

Age is defined as being “Based on a person’s chronological age (i.e. the date they were born) and not on a person’s biological age (i.e. physical age a person may exhibit).”

As the actual age of any of the actors is never disclosed in the advertisement, their chronological age cannot be accurately determined. The complaints seem to be based on the biological age or the “physical age a person may exhibit” as the complaints refer to “grey or greyed hair” and “brown hair”. As these complaints are based on how old the actors may appear, this does not fall within the definition of Age that can be used for complaints of this type according to the AANA code of ethics practice note or the Ad Standard's Determination Summary on discrimination and vilification.

At no point in the advertisement does any actor act with inequity, bigotry or intolerance or give unfair, unfavorable or less favorable treatment to the non-trivago user. Therefore, no discrimination occurs.

At no point in the advertisement does any actor humiliate, intimidate, incite hatred towards, contempt for, or ridicule of the non-trivago user. Therefore, no vilification occurs.

No assertion is ever made in the advertisement that the non-trivago user made her reservation at the hotel without using technology. There are many ways to make a hotel reservation. The non-trivago user could have made her reservation by using one of many online travel agencies or through the hotel’s website itself. A large portion of trivago users, users of other hotel metasearch services, users of online travel agencies and users of hotels with online booking functions are not young.

Complaint of 29 December 2019

Complainant’s assertion that the trivago user (“the young brown haired female”) says “need to go to Trivago to get cheaper price” is factually incorrect. As can be seen from viewing the Advertisement and from the script provided, what the trivago user actually says is “Well, if you use trivago, trivago will compare prices from hundreds of websites worldwide, making it simple to find a great deal on your hotel. Give it a go!”.



Complaint of 9 January 2020

The Complaint of 9 January, in addition to alleging ageism, also appears to label the behavior exhibited by the women in the Advertisement as “abrasive” and “Bitchy”.

These are highly derogatory, sexist and misogynistic terms.

As can be seen from the script and watching the Advertisement, the non-trivago user and the trivago user only have 2 exchanges. The first exchange is: “4 star hotel with a pool for this price? Not bad!”. The second exchange is when the trivago user offers the non-trivago user some friendly advice: “Well, if you use trivago, trivago will compare prices from hundreds of websites worldwide, making it simple to find a great deal on your hotel. Give it a go!”. This statement is an attempt by the trivago user to offer helpful and friendly advice to the non-trivago user that will help the non-trivago user save money when she books her next hotel room. It is a statement of friendly advice made from one woman to another woman.

After the non-trivago user discovers that she can compare prices from hundreds of websites worldwide, she raises her eyebrows, indicating that she is interested in the services that trivago offers.

At trivago, we celebrate and empower women to be whatever they want to be. We empower women in the technology industry, an industry that has traditionally been dominated by men: <https://life.trivago.com/humans/meet-our-women-in-tech-and-data-science.html> We do not label women’s behavior with highly derogatory, sexist or misogynistic terms. People who “perceive” and label any type of women’s behavior in such terms are basing this perception and labeling on their own beliefs of what of women’s behavior should be.

Finally, we do not believe the advertisement, in any way:

- employs sexual appeal (section 2.2);*
- presents or portrays violence (section 2.3);*
- treats sex, sexuality or nudity with insensitivity to the relevant audience (section 2.4);*
- uses language which is inappropriate in the circumstances (section 2.5);*
- depicts material contrary to Prevailing Community Standards (section 2.6); or*
- does not clearly distinguish itself as an advertisement (section 2.7).*

We consider that the advertisement, overall in light of other advertising material, media and entertainment widely seen by the public, would be found acceptable by the community.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted that it does not currently consider complaints about the truth or accuracy of travel service advertisements, and that it does not consider whether the advertised service will provide better prices or not.



The Panel noted the complainants' concerns that the advertisement:

- implies all elderly people are stupid or inept for not using the hotel booking service; and
- suggests that women can be abrasive or 'bitchy'

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel first considered the complainants' concern that the advertisement implies all elderly people are stupid or inept for not using the hotel booking service.

The Panel considered that although the woman in the advertisement appears to be middle aged, there is no language or imagery in the advertisement that comments on or references her age. The Panel considered that the woman's age is not a focus of the advertisement – rather she is depicted as a frequent traveller using her loyalty card. The Panel considered that the relative age of the women is irrelevant in the advertisement, and considered that this representation does not show her to receive unfair or less favourable treatment as a result of her age. Nor is it a depiction which humiliates, intimidates, incites hatred, contempt or ridicule for the woman in the advertisement or middle aged people in general.

The Panel noted a complainant's concern that the advertisement infers that hotels would charge older people more if they do not use the service. The Panel considered that the intent of the advertisement is to highlight that using the advertised service could save people money, not that a person would be charged more specifically for not using the service. The Panel considered that this interpretation is unlikely to be shared by most members of the community.

The Panel considered the complainants' concern that the advertisement suggests that women can be abrasive or 'bitchy'.

The Panel noted the advertiser's response to this complaint.

The Panel noted that the older woman expresses surprise at the price discrepancy and the younger woman offers information as to how she received that price. The Panel



considered that neither woman takes on an unpleasant or aggressive tone and both speak in a polite manner. The Panel considered that most members of the community would not consider the actions of the two women to be discriminatory or vilifying of either them, or women in general.

The Panel 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 age or gender and determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.