



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0104-22</b>
<b>2. Advertiser :</b>	<b>Uber Australia Pty Ltd</b>
<b>3. Product :</b>	<b>House Goods Services</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>25-May-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

This television advertisement contain scenes of the Irwin family with certain animals detailing what they'll be having for dinner. The advertisement ends with Paris Hilton standing in front of an enclosure filled with chihuahuas saying she'll be having dinner with the them. Terri Irwin tells her that that's where they keep the snakes, and a snake is shown with a large lump in its body, suggesting it had eaten a chihuahua.

### THE COMPLAINT

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

*As an owner of small dogs I find it offensive to see a chihuahua dog seemingly eaten and shown as a bulge inside a snake. I am surprised that as "animal lovers", the Irwins have associated themselves with this ad showing defensive animals having been eaten.*

*The ad implies that a snake ate a chihuahua dog, I find this highly offensive and I cannot believe that this ad would be played at all, let alone during a family show. The ad is repulsive.*



*To me this is an example of animal cruelty. Very upsetting for animal lovers and children to have to watch this horrible advert.*

*As an animal lover, I found this unnecessary and distressing for my 12 year old granddaughter. We love snakes and know they eat, but the association with a common pet being eaten was very upsetting*

*Paris Hilton is at the snake enclosure where we see that one snake has apparently swallowed a chihuahua. This is upsetting, offensive and not funny at all. Would this be acceptable if it was a small child? I think not. So why is it acceptable when it is a dog? Since the distress of seeing the ad initially we now change the channel each time the ad comes on. It beggars belief that this ad is still televised. I'm sure many children would also be upset by the scenario depicted.*

## **THE ADVERTISER'S RESPONSE**

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

1. *Response to issues raised in complaint*

1.1 *Advertisement does not serve to discriminate or vilify (section 2.1 of the Code)*

*Section 2.1 of the Code is not relevant to the complaint because the Advertisement does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of a defined attribute.*

1.2 *No reference to exploitative or degrading acts (section 2.2 of the Code)*

*Section 2.2 of the Code is not relevant to the complaint because:*

*(a) the Advertisement does not employ sexual appeal, or place focus on body parts, in a manner which is exploitative or degrading of any individual or group of people; and*

*(b) no images of minors, or people appearing as minors, are used in the Advertisement.*

1.3 *Advertisement does not present or portray violence (section 2.3 of the Code)*

*(a) Section 2.3 of the Code states the following:*

*'Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.'*



*(b) The Advertisement does not present or portray any violence, whether against a human, animal or otherwise. There is a suggestion that a snake has eaten a chihuahua, however, the average member of the public would not reasonably perceive this as a portrayal of violence for the following reasons:*

*(i) The Advertisement and wider campaign centres on the comedic clash between the Australia Zoo setting of the Irwin family (the ultimate wildlife conservationists) and the metropolitan lifestyle of Paris Hilton, which results in chaotic or unusual scenarios.*

*(ii) The Advertisement is set in the Australia Zoo and the Irwin family is well-known for its involvement with wild animals, such as snakes. Drawing on these elements, the Advertisement comedically alludes to behaviour that is instinctual and typically characteristic of a snake.*

*(iii) The Advertisement, therefore, only portrays a suggestion of natural and typical wild animal behaviour, and not any behaviour contravening prevailing community standards, such as intentional violence against animals.*

*(iv) There is no depiction of the snake ingesting another animal.*

*(c) The tone and style of the Advertisement reinforce the notion that it does not present or portray violence because:*

*(i) the Advertisement employs a light hearted and humorous tone and is, therefore, clearly not intended to be taken seriously. This is supported by the fact that the combination of characters and the setting of the Advertisement create an absurd and unlikely scenario; and*

*(ii) the depiction of the snake is stylised, using digital effects, in an exaggerated manner. The average member of the public would reasonably understand that the snake is depicted using a computer generated image.*

*(d) The intention of the campaign is to highlight how coming together to share a meal ordered via the Uber Eats app is an enjoyable ritual, which can help to alleviate the demands of daily life, such as work. The Advertisement reflects this in a highly exaggerated manner in the fictional context of a group of people working together at a zoo that has chihuahua exhibits. As a result, the Advertisement creates a sense of absurdity, which reinforces an overall impression of light heartedness and humour.*

*(e) The Advertisement, therefore, does not contravene section 2.3 of the Code because:*

*(i) it is light hearted and unrealistic;*

*(ii) it does not present or condone violence or portray it as being acceptable; and*



*(iii) it is appropriate for members of the target audience, being adults that use the Uber Eats app or are interested in using the Uber Eats app.*

*1.4 Advertisement does not reference sex, sexuality or nudity (section 2.4 of the Code)*

*Section 2.4 of the Code is not relevant to the complaint as the Advertisement does not reference or depict sex, sexuality or nudity.*

*1.5 Appropriate language used throughout the Advertisement (section 2.5 of the Code)*

*Section 2.5 of the Code is not relevant to the complaint because:*

*(a) the language used is appropriate in the context of the storyline and audience of the Advertisement; and*

*(b) no strong or obscene language is used in the Advertisement.*

*1.6 Advertisement not contrary to health and safety (section 2.6 of the Code)*

*Section 2.6 of the Code is not relevant to the complaint because:*

*(a) the content and imagery displayed in the Advertisement does not depict unsafe practices; and*

*(b) the Advertisement does not promote behaviour that is contrary to prevailing community standards on health and safety.*

*1.7 Advertisement distinguishable as advertising (section 2.7 of the Code)*

*Section 2.7 of the Code is not relevant to the complaint because it is clear to the audience that the Advertisement is advertising from its overall presentation, including through:*

*(a) the inclusion of Uber Eats branding (eg the use of the distinctive Uber Eats branded paper bag and distinctive doorbell ring sound);*

*(b) the distinctive Uber Eats campaign tagline of 'Tonight, I'll be eating...'; and*

*(c) the channels on which it has been placed (eg television and Uber Eats social media channels).*

*1.8 Further examination of section 2 of the Code*

*Uber has considered the Advertisement alongside the remainder of section 2 of the Code and submits that the Advertisement does not breach any of the matters covered under those sections.*



2. *AANA Food and Beverages Marketing and Communications Code*

*(a) The Advertisement contains a reference to food or beverage products and, therefore, falls within the scope of the AANA Food and Beverages Marketing and Communications Code (Food and Beverages Code).*

*(b) Uber has considered the Advertisement alongside the Food and Beverages Code and submits that the Advertisement does not breach any of the matters covered by it.*

3. *Advertisement not directed at children*

*(a) The Advertisement is directed at users of, and other consumers interested in, the Uber Eats app. It is a mandatory term of the Uber Eats Terms and Conditions that a user must be at least 18 years in order to register an account, and therefore, use the Uber Eats app.*

*(b) The Advertisement is, therefore, not directed at children and the Codes and initiatives specific to marketing to children, such as the AANA Code for Advertising and Marketing Communications to Children, are not relevant to this response.*

4. *Conclusion*

*Given the above, the Advertisement complies with all relevant codes and practice notes and the complaints should be dismissed.*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concern that the advertisement depicts animal cruelty, is inappropriate and is upsetting to view.

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

**Section 2.3 Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.**

The Panel noted the Practice Note for this section of the Code which states:

*“Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code. The*



*results or consequences of violence (e.g. a black eye) and audio representations of violence may also be prohibited. However, graphic depictions of violence or the consequences of violence may be justified by the community safety message involved. Violence against animals is caught by this section. However graphic depictions of violence against animals or the effects of such violence may be justified by the community message involved”.*

### **Does the advertisement contain violence?**

The Panel noted that there is clear community concern regarding cruelty to animals and that portraying animal abuse or cruelty is inappropriate in advertising.

The Panel noted that the advertisement suggests that a snake has eaten one of the chihuahuas in the enclosure, evidenced by the large lump in its belly. The Panel noted that this is implied only and there is no depiction of the snake eating anything, but rather the image is digitally altered to present the scene.

The Panel considered that snakes are known for eating small animals and that this scene is the suggested depiction of the food chain in action. The Panel considered that while some viewers may find this scene uncomfortable or unpleasant to watch, the suggestion of one animal eating another is not by itself violent.

The Panel considered that while the scene may be considered by some members of the community to be unnecessary to the advertisement, the advertisement does not promote or endorse the harming of animals and is unlikely to be considered to encourage viewers to deliberately injure chihuahuas.

The Panel considered that while the imagery may be upsetting to some viewers, the advertisement does not depict violence.

### **Section 2.3 conclusion**

In the Panel’s view the advertisement did not portray violence and did not breach Section 2.3 of the Code.

### **Conclusion**

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.