



Case Report

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| 1 | Case Number | 0245/11 |
| 2 | Advertiser | Volkswagen Group Australia Pty Limited |
| 3 | Product | Vehicles |
| 4 | Type of Advertisement / media | Poster |
| 5 | Date of Determination | 27/07/2011 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.1 - Discrimination or Vilification Disability

DESCRIPTION OF THE ADVERTISEMENT

An image of a lady holding an inverted umbrella with a pipe leading down to her mouth so she can drink the collected rainwater is accompanied by the text, "Yumbrella. Say no to bottled water." The next image shows the woman in the same pose but stood next to a Volkswagen and the tagline reads, "Why be environ-mental when you can be environ-normal?"

THE COMPLAINT

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

I find this advertisement extremely offensive as it implies that "mental" is not "normal". While mental health agencies worldwide are launching anti-stigma campaigns Volkswagen give us this stigma-ridden advertisement. Surely in this day of political correctness an advertisement as derogatory as this should be removed from the public eye. It is offensive because it puts the words 'mental' and 'normal' in a sentence as opposites. The poster uses the word 'mental' as if it is acceptable to refer to someone with a mental illness or intellectual disability as not 'normal'. The text on this poster promotes the idea that if you are mentally ill or have an intellectual disability you are therefore not 'normal' and do not have a significant contribution to make to society.

My main objection is the question "Why be environ-mental when you can be environ-normal?" The only way I can construe this is that being 'mental' (as in having mental illness) is the opposite of being "normal".

As the mother of a child with autism I am constantly face with challenges in society of what is considered 'normal' and I believe this advertisement perpetuates the use of the word 'mental' as a derogatory term for anyone who doesn't fit into society's standards of what is normal. I rang Volkswagen this morning to enquire how else this wording could be construed and nobody was able to explain what it meant.

THE ADVERTISER'S RESPONSE

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

Firstly, it should be known that Volkswagen Group Australia Pty Ltd ("Volkswagen") takes its responsibility as an advertiser very seriously and makes extensive efforts to understand and respond appropriately to community concerns and issues, including by having in place our own stringent internal review and approval process, including legal advice.

Volkswagen does not in any way encourage discrimination or vilification of any kind. We are conscious at all times of ensuring that our work and advertising practices afford respect to all cross sections of the community, on account of variables including race, sex, sexual preference, religion and disability. Accordingly, we respectfully disagree with the complainants' characterisation of the Advertisement as discriminating against, and/or vilifying, people with mental or intellectual disabilities or illnesses.

We have considered the complaint and the Advertisement in question in light of the provisions of the AANA Code of Ethics ("the AANA Code").

We have carefully considered the AANA Code and assessed its provisions against the content of the Advertisement. We submit that the Advertisement does not breach the AANA Code on any of the grounds set out in the same.

We note the complainants' concerns that the Advertisement discriminates against, or vilifies, persons with mental or intellectual disabilities or illnesses, however having reference to the provisions of the AANA Code we respectfully disagree that the Advertisement is in breach of the AANA Code in any way.

The Advertisement concerns the recent release in Australia of the Golf BlueMotion.

"BlueMotion" is a cutting edge technology founded by Volkswagen AG. "BlueMotion" models are focused on the environment and "BlueMotion" is the label that Volkswagen gives to the most fuel efficient Volkswagen model variant within a model range (in this case, the Golf).

BlueMotion models are engineered with intelligent engine management systems and feature technologies including a Start-Stop System, a break energy recovery system, improved aerodynamics as well as low rolling resistance tyres. These technologies have resulted in an environmentally friendly vehicle, with an emphasis on low fuel consumption and low carbon emissions.

Importantly, the environmental results of BlueMotion have been achieved without changing the fundamental nature of the Golf vehicle, and without compromising the vehicle's practicality.

Indeed, the Advertisement seeks to emphasise that notwithstanding this new cutting edge “BlueMotion” technology, the Golf BlueMotion is an environmentally friendly product which remains practical and true to its conventional form and nature. The Advertisement further seeks to highlight that in this day and age where manufacturers strive to be “environmental” by often inventing products devoid of practicality, the Golf BlueMotion vehicle is both environmentally friendly and practical.

We highlight the following features of the Advertisement in support of this position:

- 1. The Advertisement depicts a young lady:
 - (a) Standing alone and ‘promoting’ a fictitious, far-fetched product called the “Yumbrella”, being a product that results in the use of less bottled water and is therefore environmentally friendly. It is noted that this part of the Advertisement is the “tease” element.*
 - (b) Standing beside the Golf BlueMotion holding the fictitious invention called the “Yumbrella”. The two inventions (the “BlueMotion” and the “Yumbrella”) are therefore clearly being juxtaposed. This is the “reveal” element of the Advertisement. There are instances where the “tease” element is shown together with the “reveal” element and others where the “reveal” element stands alone.**
- 2. The “Yumbrella” is a fictitious product (an inverted umbrella) which allows “consumers” to purify and at once drink rain water. You will notice that the “Yumbrella” has a purifying and drinking device attached to it, which even caters for flavoring the water with “Rose” essence. The Golf BlueMotion on the other hand is a real product; it is practical, friendly on the environment and at the same time remains true to the Golf model’s fundamental form and nature. The Advertisement therefore employs hyperbole to illustrate this point, through its depiction of the “Yumbrella” as an example of a product which completely compromises its practicality and normality in its sole focus to be “environmental”.*
- 3. The tagline “Why be environ-mental when you can be environ-normal?” is a play on words and is merely intended to convey that despite the obsession of many manufacturers in recent times to be “environmental” (at the expense of practicality), the Golf BlueMotion is a car that’s easier on the environment, practical and true to its fundamental form and nature.*
- 4. The focus of the Advertisement is solely on the Golf BlueMotion and the “Yumbrella” and their environmental impact. The Advertisement’s focus is not on people, but rather on products. We note further that there is no depiction in the Advertisement of any persons or other imagery which in any way suggests that any cross section of the community is being discriminated against or in any way vilified. This further supports the fact that it was never our intention to in any way discriminate against any person suffering from an intellectual or mental disability or illness.*

We also note that the web-links referred to by the complainants are of related advertisements/materials and not of the posters as they actually appeared at various locations on the streets. The web-links to which we refer are:

- http://popsop.com/wp-content/uploads/environ_normal_volkswagen_01.png; and*
- <http://www.volkswagen.com.au/en/models/golf/html>.*

We enclose the content of the above links for your information (the Links).

We assume that the complainants located the Links in order to describe the poster they actually saw for the purposes of lodging their complaint with the Advertising Standards Bureau. In any case, we note the points (1 to 4) we raise above largely also apply in respect of the Links. In fact, when viewing the Links it is further reinforced that the objective of our campaign is to juxtapose a fictitious, far-fetched environmental product (the Yumbrella) with a real yet practical environmental product (the Golf BlueMotion). You will notice in both Links the following statement:

“Some ‘green’ products can be off-puttingly impractical. That’s why Volkswagen has created a car that’s easier on the environment and fun to drive”.
You will notice in one of the links the above statement is followed by “It performs just like a Golf”.

The Links therefore in our view further reinforce the intent of this campaign.

We also note that the Board has in the past considered issues related to the potential discrimination and or vilification of people suffering from mental/intellectual disabilities or illnesses in its decision in Case No. 0145/10. That complaint regarded a man saying “I know this sounds crazy but have you ever seen talking animals” when he took a goat and frog to the vet. The vet thought the man needed a psychiatric clinic, not a vet, and so handed him a business card with contact details for a psychiatrist. The Board took the view in that case that the advertisement was humorous and unrealistic and did not intend to make light of people suffering from such disabilities.

Therefore, we are of the view that similar considerations should apply here.

For the above reasons we submit that the Advertisement is not in breach of the AANA Code. If you require any further assistance or information please do not hesitate to contact me.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement is offensive to people with mental health issues.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that the advertisement features a woman with an umbrella which collects rainwater for drinking and that the tagline reads, ‘Why be environ-mental when you can be environ-normal?’

The Board noted the advertiser’s response that the advertisement depicts a far-fetched fictitious invention in a humorous manner to highlight the environmental aspects of the new Volkswagen Golf. The Board considered that the advertisement is over the top and features an unrealistic invention. The Board noted that the reference to environmental versus environnormal could be distasteful to some members of the community, however in the Board’s view the advertisement is clearly intended to be humorous, does not depict people with a mental illness and does not demean any sections of society.

The Board considered that the focus of the advertisement is the environmental aspects of the vehicle and that the advertisement makes no reference to the mental health of people. The

Board considered that the advertisement is not offensive to people with mental health issues and does not discriminate against people with disabilities.

Based on the above the Board determined that, in this instance, the advertisement did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.