



Case Report

1	Case Number	0293/16
2	Advertiser	ANZ Banking Group Ltd
3	Product	Finance/Investment
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/07/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values
- 2.1 - Discrimination or Vilification Occupation
- 2.1 - Discrimination or Vilification Race
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on two women wearing gym clothing in a café buying juices. As the two women talk, one of them rests her bottom on the counter so that her mobile phone, which is in her rear pocket, can pay for their drinks using the tap and pay machine. The woman behind the counter does not look impressed at the two women, and the man behind them in the queue says, "Oh come on! Is that even hygienic?" A female voiceover says, "Pay using your phone using ANZ - you'll be taking it for granted in no time."

THE COMPLAINT

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

The portrayal of people using their phone while paying for goods by tapping the phone or while it sits in their pocket and they talk to a friend is an absolute insult to those behind the counter in the retail industry. It shows complete lack of respect towards other people, it promotes the use of mobile phones as if they are a part of the human body rather than a phone with clever ideas - which by the way annoy the hell out of me as they are now addictive to a lot of people like many other "bad" things in life.

The rudeness of the women by not removing her phone from her pocket which is saying it is ok to treat shop keepers in such a rude manner. The racism as the cafe owner appears Asian in appearance and it seems the women are to rude or racist to actually interact with her. The discrimination against retail workers as it appears it is ok to be rude when paying by presenting your behind to the cashier to pay. The unhygienic way she presents her phone to pay, very disrespectful and gross for everyone else that uses that machine.

THE ADVERTISER'S RESPONSE

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

Advertisement Complaint Reference 0293/16

I refer to your letter to Australia and New Zealand Banking Group Limited (ANZ) in respect of the above complaint. I set out below ANZ's response to your queries.

The Complaint

Comments the complainant made regarding the Advertisement are outlined as follows:

"The rudeness of the women [sic] by not removing her phone from her pocket which is saying it is ok to treat shop keepers in such a rude manner. The racism as the cafe owner appears asian in appearance and it seems the women are to [sic] rude or racist to actually interact with her. The discrimination against retail workers as it appears it is ok to be rude when paying by presenting your behind to the cashier to pay. The unhygienic [sic] way she presents her phone to pay, very disrespectful and gross for everyone else that uses that machine."

Response

We note that the complaint submitted pertains to sections 2.1 and 2.6 of the AANA Code of Ethics. However, you have asked us to comment on how the Advertisement deals with all parts of section 2 of the AANA Code of Ethics.

2.1 Discrimination or vilification

ANZ refutes the claim that the Advertisement discriminates against or vilifies a person or section of the community on account of race, ethnicity or nationality. The Advertisement simply shows a woman using her phone to pay in an innovative way, so that she is able to continue the conversation with her friend. The complainant alleges that "the cafe owner appears asian in appearance and it seems the women are to [sic] rude or racist to actually interact with her". ANZ disagrees with this interpretation of the Advertisement. While they choose to continue an animated conversation as the payment is made, the female customer clearly thanks the café owner before leaving the café. There is nothing to infer that the women don't engage with the café owner on account of her race or ethnicity.

Representing vibrant and diverse ethnicities, cultural backgrounds, genders and ages in our advertisements is important to ANZ, as it reflects the diverse nature of Australia and our customers. Consistent with ANZ's previous advertising campaigns, the Advertisement depicts a broad cross-section of Australians of diverse ages, sexes and nationalities.

The complainant also suggests, “discrimination against retail workers as it appears it is ok to be rude when paying by presenting your behind to the cashier to pay”. ANZ strongly disagrees with the assertion of the complainant. The Advertisement was developed to highlight a simple human truth; when it comes to new technology, the more useful it is, the sooner we all take it for granted. The female customer has clearly taken the mobile payment technology for granted; so much so that she doesn’t give a second thought to being able to continue the conversation with her friend, stopping only to thank the café owner as the payment process is completed.

The Advertisement does not demonstrate or imply that it is okay to be rude to retail workers:

- The female customer is not rude to the café owner; she makes the payment and clearly thanks the woman before leaving the café*
- The payment method has been dramatised for comedic effect, to highlight the benefits of mobile payment technology. This is further supported by the reaction of the male customer who overtly calls out the unusual payment method, questioning it with the café owner*

ANZ also notes that, in any case, occupation is not a basis for discrimination referred to in section 2.1 of the AANA Code of Ethics.

2.2 Exploitative and degrading

The Advertisement does not employ sexual appeal in a manner that is exploitative and degrading of any individual or group of people. All actors are appropriately dressed and do not portray or communicate a message of a sexual nature.

2.3 Violence

At no time does the Advertisement present or portray violence.

2.4 Sex, sexuality and nudity

All actors are appropriately dressed and are not portraying or communicating a message of a sexual nature.

2.5 Language

The Advertisement uses language appropriate in the circumstances, depicting a typical transaction in a café. The Advertisement does not include any strong or obscene language.

2.6 Health and Safety

The Advertisement does not depict material that is contrary to Prevailing Community Standards on health and safety.

ANZ notes the complainant alleges that the payment sequence breached health and safety standards - “The unhygienic [sic] way she presents her phone to pay, very disrespectful and gross for everyone else that uses that machine”. The focus of the Advertisement is the use of

one of ANZ's mobile payment products, ANZ Mobile Pay. ANZ Mobile Pay lets customers tap and pay with their compatible Android mobile phone at any contactless payment terminal, utilising Near Field Communication (NFC) technology within the phone. Contact with the terminal is not required in order for the payment to occur, the phone just needs to be near the terminal. This contactless payment sequence is demonstrated within the Advertisement; the customer doesn't touch the terminal, she simply shifts her body closer to the terminal to pay using her phone. Again, the Advertisement leverages humour to highlight the convenience of the product and, ironically, the male customer himself asks the café owner, "is that even hygienic?" Given the female customer doesn't touch the terminal, it could be considered one of the more hygienic forms of payment.

Furthermore, ANZ confirms that filming of the Advertisement complied with relevant health and safety regulations.

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 complainant's concerns that the advertisement appears discriminatory in the manner in which the retailer is treated, both potentially due to her race and also as a worker and that the behaviour, putting her 'behind' on the machine, is disrespectful and unhygienic.

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

The Board 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 Board noted the advertiser's response that while the customer chooses to continue an animated conversation as the payment is made, she clearly thanks the café owner before leaving and there is nothing to infer that the women don't engage with the café owner on account of her race or ethnicity.

The Board noted that the woman accepting payment is of Asian heritage. The Board considered that, despite the interpretation taken by the complainant, there is nothing in the advertisement to indicate a negative depiction of any of the actors on the basis of their race. The Board considered that the Asian appearance of the woman is not of any focus or mention and in the Board's view there is no inference of any negative attributes stated by the woman's race.

In relation to the complainant's concern that there is discrimination towards workers, the Board noted the use of the iPhone being used to pay for coffee at the ANZ merchant terminal. The Board considered that in an effort to present the ease of the technology, the unintended consequence is that the customer appears to behave rudely to the person behind the counter. The Board considered that this behaviour, whilst perceived by the complainant as rude, was

not discriminatory. The Board acknowledged that paying in such a way could be considered rude behaviour, but this was not because the woman was Asian, and noted that the woman paying does say thank you.

The Board noted the light hearted tone of the advertisement, and considered that actions had been overemphasised to make the point about the ease of payment, without disrupting a conversation.

The Board 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 race.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted the complainant’s concern that by paying with the phone in her back pocket the customer places her bottom near the machine.

The Board noted that the woman’s bottom does not touch the machine and considered that in many ways this method of payment could be considered more hygienic than handling money which could be dirtier given it passes through so many hands.

The Board noted that the male actor in the advertisement, watching the behaviour states “oh come on, is that even hygienic?” and considered that this shows the behaviour is not endorsed, however the Board did acknowledge that his perception is that her bottom touches the machine.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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