



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0355-21
2. Advertiser :	Uber Australia Pty Ltd
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	19-Jan-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement, a 15 second and a 30 second version. Both versions feature a family gathered around an outdoor table for Christmas lunch in the heat. A young woman is seen wearing a Christmas sweater that was given to her by her grandmother. Being very hot in the jumper, she orders a sports drink and deodorant via Uber Eats.

THE COMPLAINT

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

The Uber Eats Advertisement shows an older woman who has obviously gifted winter Christmas jumper to a younger woman relative. The advertisement infers that the older woman is stupid because she gave a winter Christmas jumper in summer as the younger woman pulls at the jumper to show she is uncomfortable and grimaces at the camera in a put down manner. As a person over 65 I find this advertisement offensive by portraying an older person in a derogatory way and it perpetuates the myth that older people are incompetent.

This is blatant ageism and like sexism and racism should never be tolerated. I tried very hard to contact Uber Eats directly but have had both email addresses on their



website rejected and both phone numbers have required me to have either a log in or it has simply disconnected. The internet also shows their Head Office is closed. I have been engaged in a variety of activities that call out ageism and would appreciate you bringing this offensive advertisement to the attention of Uber Eats.

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)

(a) 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 race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

(b) The Advertisement depicts a light-hearted conversation at a relaxed Christmas lunch, between a grandmother and granddaughter, about a Christmas jumper gifted to the granddaughter. The granddaughter wears the Christmas jumper during lunch to illustrate her gratitude for the present, which is indicative of the special bond they share. This portrayal is supported by:

(i) the considerate nature of the grandmother to enquire whether the gift has been well received; and

(ii) the appreciative wording, 'It's perfect' and 'I love it' by the granddaughter, to kindly reassure the grandmother, whilst affectionately holding/touching her hand.

(c) The Advertisement focuses on the experience of the granddaughter, as the protagonist of the video. In this regard, it is clearly apparent that:

(i) the granddaughter is appreciative and wants to please her grandmother by wearing the gift she received (despite the warm weather);

(ii) any body language indicating the granddaughter's discomfort is due to the warmth and is not depicted in a 'put down manner' towards the grandmother. To the contrary, the granddaughter's behaviour towards the grandmother is affectionate, appreciative and considerate; and

(iii) the combination of the warm weather and the desire to wear the gift from her grandmother creates a scenario where the granddaughter requires certain grocery items to be delivered quickly and conveniently.



(d) Through the matters described in clause 3.1(c) above, the Advertisement highlights the granddaughter's needs and the valuable utility of the Uber Eats platform, as the solution to her predicament.

(e) The Advertisement depicts the grandmother in a wholly neutral manner. Further, the gift given by the grandmother is a typical, well-loved Christmas-themed gift, which is appropriate and common in the context of the Christmas setting, even in warmer climates, such as Australia. The Advertisement, therefore, does not suggest in any way that people of older age are 'stupid' or 'incompetent' or incapable of purchasing appropriate gifts.

(f) The AANA Code of Ethics Practice Note (Practice Note) defines age as 'based on a person's actual age (ie from the date they were born) and not a person's biological age (ie how old they may appear)'. The Advertisement, being a lunch setting typically attended by family members across generations, makes no reference to a person's actual age.

(g) The Practice Note states that discrimination is 'unfair or less favourable treatment' of an individual or group on the basis of a defined attribute. The Advertisement does not reference or depict unfair or less favourable treatment towards any person or group on the basis of an attribute, including on the basis of age.

(h) The Practice Note states that vilification is treatment that 'humiliates, intimidates, incites hatred, contempt or ridicule' of an individual or group on the basis of a defined attribute. The Advertisement does not reference or depict treatment that humiliates, intimidates or incites hatred, contempt or ridicule of any person on the basis of an attribute, including on the basis of age.

(i) The Practice Note also states that, 'advertising which shows members of a certain group as ridiculous, unintelligible or unable to recognise a dangerous situation incites ridicule towards their behaviour.' In the Advertisement, there is no depiction of ridiculous, unintelligent behaviour or failure to recognise a dangerous situation.

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

(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.

(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) *Section 2.3 of the Code is not relevant to the complaint as the Advertisement clearly does not portray any violence or sexual violence.*



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)

(a) The script for the Advertisement, as referenced in clause 2.2 above, encompasses a friendly family-gathering setting in a wholly positive and endearing tone, including towards the grandmother.

(b) The language used was appropriate in the circumstances, given it sets out the precise manner and circumstance in which the Uber Eats platform may be used.

(c) No strong or obscene language was 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, on the basis that:

(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)

It is made 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 logo, distinctive Uber Eats branded paper bag and distinctive doorbell ring sound);

(b) the standard Uber Eats campaign tagline of 'This calls for...'; and

(c) the channels on which it has been placed (eg Free to Air television, the Uber Eats YouTube channel).

1.8 Further examination of section 2 of the Code

We have considered the Advertisement alongside the remainder of section 2 of the Code and submit that the Advertisement does not breach any of the matters covered under those sections.



2. *AANA Code for Advertising and Marketing Communications to Children*

Uber submits that the Advertisement does not fall within the scope of the AANA Code for Advertising and Marketing Communications to Children.

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

(a) The Advertisement contains a reference to 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.

4. *Conclusion*

(a) Given the above, the Advertisement complies with all relevant Codes and Practice Notes and the complaint should be dismissed.

(b) As a final note and without any admission of liability, we wish to inform you that the Advertisement is no longer running.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement implies that the older woman is stupid and incompetent, and is offensive.

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

Section 2.1: 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 considered that the advertisement plays on a stereotype of grandparents giving clothes to their grandchildren for Christmas, which often are not clothes the grandchild would choose themselves. The Panel also noted that there is a stereotype of older people being cold, and noted that the grandmother is wearing a long sleeved shirt in the advertisement suggesting that she may consider warm clothes appropriate for summer. The Panel considered that the impression is that the grandmother wanted to give her granddaughter a thoughtful gift and noted that she enquires several times as to whether the young woman likes the gift. The Panel noted that the young woman repeatedly tells her grandmother that she loves the jumper, and considered that she was sincere and not mocking in her statements, nor does she in any manner imply that the grandmother is silly.

The Panel considered that the scenario depicted is one which will likely be familiar to a lot of viewers and is unlikely to cause viewers to think that the grandmother is stupid or incompetent, but rather gave a gift which was thoughtful and solicitous and that she cared about whether her grandchild liked it.

The Panel considered that the grandmother is not treated unfairly or less favourably, nor does the advertisement humiliate, intimidate, or incite hatred, contempt or ridicule of the woman, on account of her age.

Section 2.1 conclusion

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

Conclusion

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