



ADVERTISING
STANDARDS
BUREAU

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au
ACN 084 452 666

Case Report

1	Case Number	0401/13
2	Advertiser	Volkswagen Group Australia Pty Limited
3	Product	Vehicle
4	Type of Advertisement / media	TV
5	Date of Determination	27/11/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.1 - Discrimination or Vilification Sexual preference
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

We see people arriving for a large family gathering whilst a female voice sings a song called, "Welcome to the family" which describes the different family members including, "Uncle Phil with his plastic hip, old Aunt May with the hairy lip", "Bradley's 'special friend'" and "Peter who wished he'd had the snip".

THE COMPLAINT

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

This ad is attempting to advertise that they rep traditional families gathering together and the car therefore are a part of a traditional car.

However within the song they make reference to homosexuality and having a vasectomy. As this ad is screened at various times during the day and evening I find that it is offensive to represent these issues as part of the traditional norm. I believe that while these issues are within the community I don't feel that it is an appropriate presentation.

The subject of gay marriage is very important and there are currently campaigns running to encourage the Government to allow this. The ad depicts GRANDMA rolling her eyes when her grandson arrives with his BEST friend meaning his partner. This is going against a cause and I am disgusted that and is discriminates against her grandson.

I find references to such things as increased hair production "hairy lip" due to decreased

oestrogen production and "plastic hips" which is a result from physiological breakdown of skeletal bone and muscle to honestly just be downright insulting, how do you think our aging population within the age bracket where such physical issues arise feel about this blatant stigma on their televisions?

THE ADVERTISER'S RESPONSE

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

We refer to your letters regarding complaints received by your office in connection with our brand advertisement encompassing the "Volkswagen family" theme ("the Advertisement").

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 age, race, sex, sexual preference, religion and disability. Accordingly, we respectfully disagree with the complainant's characterisation of the Advertisement as discriminating against, and/or vilifying the elderly population. We also strongly disagree with any contention that the Advertisement in any way seeks to disrespect or denigrate any campaign for gay marriage and/or equal rights for the gay community.

We have considered the complaint and the Advertisement against 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.

The Advertisement

The family theme of the Advertisement

The Advertisement promotes the Volkswagen range of vehicles. The Volkswagen range of vehicles is comprised of varying models, each model with its own distinctive features, attributes and characteristics which set it apart from other vehicles within the Volkswagen range.

The Volkswagen vehicle range includes family sedans, cabriolets, SUV's (four wheels drives), and performance vehicles, all of which are featured in the Advertisement. Each of them has different characteristics and functions, and all of them form part of a range of vehicles we convey in the Advertisement as forming "the Volkswagen family". We are equally proud of all our vehicles regardless of their price, characteristics, specifications, colours, and other differentiating attributes. We are also equally proud of how the vehicles within our

“Volkswagen family” appeal to all cross sections of society.

A core theme the Advertisement seeks to promote is indeed the theme of family. At the 39 second mark of the Advertisement, we portray all our models (with their varying colours, characteristics and attributes), lined up on the lawn in front of the family home. The super “Welcome to the family” appears at this point, reinforcing the pride we feel at having such a wide range of varying vehicle models under our “Volkswagen family” banner.

Contrary to any suggestion therefore that the Advertisement vilifies the elderly, the gay community or any other group for that matter, we consider that Ad actually seeks to embrace all the varying character types that form and represent the modern Australian family, in the same way that we at Volkswagen embrace and are proud of all the uniquely different models that form the “Volkswagen family”.

The embracing and non-discriminatory nature of the Advertisement

We consider that the Advertisement embraces all persons within the featured family, regardless of their age, sex, sexual preference or any other attribute. In the same way we embrace and are proud all of the varying model types that form the “Volkswagen family” we are equally embracing the varying characters of a modern Australian family (regardless of their age, sex, sexual preference or any other attribute). We endeavour to promote this inclusive and embracing theme in a light-hearted and humorous manner, using a catchy theme song and imagery of fun and interesting moments shared within a family environment.

We consider that many people would largely identify with the humorous and light-hearted elements of the Advertisement and indeed would relate to these elements at their own family gatherings. We consider further that by virtue of its light-hearted and amusing nature, the Advertisement recognises the elderly members as a fundamental, valued and much loved part of the family dynamic and is not in our view denigrating or negative towards the elderly or anybody else.

In connection with the reference to the “special friend” of the grandmother’s grandson at the 13 second mark of the Advertisement, we strongly consider that this in no way seeks to denigrate any campaign for gay marriage and/or equal rights for the gay community. On the contrary, the Advertisement is an inclusive one which embraces all Australians and all relationship types, regardless of sex, sexual preference, or age, and recognises that all such relationships are accepted and embraced within the modern Australian family.

The reference to the “special friend” is in our view not used in a discriminatory manner. A “special friend” is a term that may be used in describing one’s partner in any relationship regardless of whether such relationship is a homosexual relationship or a heterosexual one. There indeed exist a myriad of reasons as to why a friend may be a special one. Often, the term “special friend” is used when introducing a new partner to the family for the first time, where the relationship is in its early stages and referring to the person as “partner”, “girlfriend” or “boyfriend” is an overstatement having regard to the duration of the relationship at hand. We cannot therefore agree that the use of the term is discriminatory.

Given the embracing and inclusive nature of the Advertisement as described above, we therefore strongly refute any suggestion that the Advertisement breaches the AANA Code.

We also note that the Board has in the past considered issues related to the potential discrimination and or vilification of elderly people in its decisions in Case Numbers 0035/11 and 0081/13.

In Case Number 0035/11, the complaint related to the advertisement showing an elderly lady (which the audience assumed was a grandmother) with the statement “My nan could bowl out Watson”, only for Shane Watson (the Australian cricketer) to pick the ball up and hit it out of the park. The complaint made asserted that the advertisement gave a “very inaccurate impression of the abilities of older Australians and the attitude that should be displayed towards them” and was “not a true and accurate representation of older Australians”. The Board took the view in that case that “many people would find the advertisement amusing and not denigrating to older women or older people generally”.

In Case Number 0081/13, the complaint related to an insurance advertisement which depicted an elderly female driver with a billboard featuring the headline “We cover anybody who drives your car”. The complaint asserted that the advertisement was age discriminatory and promoted age discrimination. The Board concluded that this advertisement did not breach section 2.1 of the AANA Code in that the words “we let anyone drive your car” were not a negative comment towards the elderly.

We also note the Board’s decision in Case Number 206/05. That advertisement promoted baked beans. It also used a family setting. The father said to his son “Mum tells me you want Timmy Stevenson to sleep over. I guess the easiest way to put this is life’s a lot like baked beans - you know you can have them straight or you can try them in all sorts of different ways”. The son replied “Dad, I’m not gay”. The father then replied “Of course you’re not, of course you’re not. Who’s gay? Who’s gay?”

In its decision in the above case, the Board recognised that the advertisement sought to depict a potentially very awkward situation between father and son and concluded that the exchange between them was harmless and that there was no discriminatory reference to those people of a same sex persuasion. The Board also noted that no disparaging, derogatory or demeaning comments were made in reference to people of a same sex persuasion.

For the above reasons we submit that the Advertisement is not in breach of the AANA Code.

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 the advertisement depicts material which is discriminatory towards older people and homosexuals, and makes a reference to a vasectomy which is not appropriate for broadcast on television.

The Board reviewed 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 that the advertisement features a song called, "Welcome to the family" and the lyrics describe various family members arriving to celebrate their grandmother's birthday.

The Board noted the complainants' concerns that the reference in the song lyrics to a plastic hip and a hairy lip are insulting and discriminatory towards elderly people. The Board noted the light-hearted tone of the advertisement and considered that the reference to common signs of aging are made in the context of a celebration of all members of a family. The Board considered that the advertisement does not present any of the older members of the family in a negative manner and that overall the advertisement was not discriminatory towards people based on their age.

The Board noted the complainants' concerns that the advertisement is discriminatory towards homosexuals because it makes a reference to a man's "special friend" who is clearly his male partner. The Board noted that when the song lyric mentions the special friend we see the grandmother looking a bit bemused at the sight of her grandson with a male friend. The Board noted that the grandmother's reaction is not negative and considered that the final scene shows the whole family celebrating together which suggests that all family members are welcome and included regardless of their sexual orientation.

The Board noted that the overall tone and theme of the advertisement is intended to be light-hearted and humorous and considered that the advertisement did not depict material that discriminated against or vilified any person or section of the community.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainant's concerns regarding the reference to homosexuality and a vasectomy. The Board noted that both references are made in the song lyrics. The Board noted that the depiction of Bradley and his male partner shows them smiling together and considered that the verbal suggestion that they are in a sexual relationship is very discreet and that there is no sexual behaviour or activity presented in the advertisement.

The Board noted that the reference to a vasectomy is accompanied by an image of a family with young triplets and considered that this reference is also discreet and is unlikely to be understood by children.

The Board noted that the advertisement had been rated 'W' by CAD which means it could be viewed by children and considered that the advertisement does not present any material which would be inappropriate for children to view.

The Board determined that the advertisement did treat sex, sexuality and nudity with

sensitivity to the relevant audience and that it did not breach Section 2.4 of the Code.

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