



CASE REPORT

1. Complaint reference number	441/09
2. Advertiser	Toyota
3. Product	Vehicles
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Other – section 2.1
6. Date of determination	Wednesday, 14 October 2009
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This TVC commences with two men driving in a car the passenger is overweight and depicted eating crisps and letting them spill all over the car. The voiceover says "meet Bill, all cars come with service bills, some come with surprisingly big bills ...". The TVC then shows a woman driving a Toyota vehicle and a smaller framed man is in the passenger seat, depicted as "little Bill". The voiceover says with Toyota service advantage you get a little bill, its another reason why Australians choose Toyota".

THE COMPLAINT

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

I believe that this ad is insulting and offensive not only towards those who are overweight but also those of small stature as its making fun of their physical disability.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Firstly, it should be known that Toyota Motor Corporation Australia Ltd (Toyota) takes its responsibility as an advertiser very seriously. We are committed to understanding and responding appropriately to community concerns and issues. Over and above this, we have established our own stringent internal review and approval process including obtaining legal advice. Accordingly, Toyota is extremely sensitive about prevailing community standards and we have an internal process that we believe is considerably more robust than the industry standard.

We have carefully considered the complaint received by us and strongly disagree with the concern put forward by the complainant. Whilst we respect the right of such individuals to hold their view, it is our firm belief that the TVC does not breach the AANA Advertiser Code of Ethics (AANA Code.)

The complaint relates to Section 2 of the AANA Code, specifically Section 2.1. This section sets out a prohibition against depicting people in a way that discriminates against them on a number of specified grounds. The basis of the complaint relates to our portrayal of the characters "Big Bill" and "Little Bill" in the TVC. The complainant's view is that we are discriminating against both large/overweight and small people, that amounts to making fun of their "physical disability".

This is certainly not the case. Firstly, we note that the characters depicted are not displaying extreme characteristics, certainly nothing that could be construed as amounting to a disability.

The character playing "Big Bill" is taller and slightly larger than average, but definitely not obese. The character playing "Little Bill" is actually 5 foot tall and would not be considered to be a dwarf or 'little person'.

Further, the characters in the TVC are not depicted in a way that discriminates or vilifies them or people that could be said to be similar to them. Our contention is simply that in life there are big people and little people. In the TVC the characters are used to personify bills (ie costs/expenses) as "Big" bills and "Little" bills. The entire premise of the TVC is to highlight that by accessing the Toyota Service Advantage program, customers can purchase Toyota cars that come with little (Service) bills, while other car companies cars come with big (service) bills given they do not run a comparative program.

We certainly do not believe that "Big" and "Little" are offensive terms, and we certainly do not think the characters have a disability that the TVC seeks to deride in any way. Accordingly, we see no basis for the complaint.

We regret that complainant has taken offence to the advertisement, but believe we have not contravened the AANA Code. We hope that the above information leads to a dismissal of the complaint.

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 concern that the advertisement was offensive to those people who are overweight and made fun of those of small stature.

The Board viewed the advertisement and noted the advertiser's response. In particular, the statement by the advertiser that the person which played "little Bill" in the advertisement was in fact 5 foot tall and not experiencing any physical disability.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states:

"Advertising or Marketing Communications shall 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, sex, age, sexual preference, religion, disability or political belief".

The Board empathised with the views of the complainant and acknowledged that there may be people in the community (of varying size and shape) who may feel targeted by this advertisement. However, the Board considered that the people depicted in the advertisement were not actually or impliedly suffering from any physical disability that the advertisement did not target or depict negatively any identifiable sector of the community and therefore was not in breach of section 2.1 of the Code.

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