

Case Report

1. Case Number :	0088-23
2. Advertiser :	Bayswater Car Rental Pty Ltd
3. Product :	Automotive
4. Type of Advertisement/Media :	Radio
5. Date of Determination	24-May-2023
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This radio advertisement features a customer walking into a store and saying, "hey, I think I'm ready to go long term with my car rental, what subscription services do you offer".

The employee grunts and asks, "subscription?".

The customer says, "yeah, it's where you rent a car for like months at a time".

The employee states, "What that? We do long term rental. Cheap rate. No commitment."

The customer says, "Oh. Right. You know there's room in the car for one more...".

The employee says, "No commitment", and the customer responds "oh".

A voice-over then says, "No Birds. Car rental made simple".

THE COMPLAINT

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

The advertisers have created a caricature of a dodgy car rental company to contrast against No Birds. They have intentionally used an East Asian voice with English as a second language to typify untrustworthy businesses. In contrast, the relatable main character had an Australian accent. This writing relies on a racist and xenophobic stereotype in which non-English speakers and in particular East Asian business people are untrustworthy. In using this racist stereotype they are also reinforcing it.

THE ADVERTISER'S RESPONSE

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

The complaint made against this advertisement was in relation to one of the characters used, citing them as of East Asian descent. As you can see, the character in the ad is not of East Asian origin, they are in fact a caveman (or in this particular case, a cavewoman).

This campaign was borne of the idea that the no birds approach to car rental is simple, and is explained in our thinking here.

The Caveman

The world has become so complicated and confusing. Simple tasks are now bogged down with red tape, complicated processes and bureaucracy. No Birds rental cars are different. They have an old world simplicity that makes customer's lives easier.

To bring this idea to life in a fun way, we'll show a caveman character as a No Birds salesperson. He'll have an unassuming nature and earnest sincerity about him. The complete opposite of what you expect a car salesperson to be.

A range of assets were produced for this campaign, including radio ads and visuals - both stills and vision (some of which have been provided below to give additional context). In each iteration we show a different proof point of the no birds brand, bringing to life the many reasons why customers would want to engage. In the case of the ad in question, we are promoting the flexible long term options that no birds offers customers, with no lock-in contracts and/or 'commitments'.

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 features a person putting on an Asian accent.

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

Section 2.1: Advertising or Marketing Communication 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment

- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?

The Panel noted that it had considered a similar issue in case 0317-20, in which:

“The Panel noted that the advertisement references a “renovation guru” and that the person does have an accent, however noted that the nationality or region of origin of the guru is not specified. The Panel considered that the accent appears to be genuine and is not excessively exaggerated or embellished....The Panel considered that use of other nationalities’ accents is not necessarily discriminatory or vilifying. The Panel considered that the accent used in the advertisement is not excessively or deliberately false, and considered that most members of the community would not interpret the portrayal to be mocking the south Asian accent. However, the Panel considered that advertisers should take into account that social attitudes are evolving and the use of racial or ethnic references in this way are becoming less in line with community expectations.”

The Panel noted the advertiser’s response that the accent was intended to represent a caveman character. The Panel considered that while other supporting campaign elements have a visual representation of a caveman character, the radio version of the advertisement had no such imagery and the impression of the character is of a possibly East-Asian person who speaks English as a second language.

However, the Panel noted that there is no reference to ethnicity and the speaker was not presented in a negative light. The Panel noted that the customer speaks to the customer service representative kindly and does not use offensive or derogatory language.

The Panel acknowledged that community standards in this area are evolving, and that there is an increased sensitivity in the community to issues such as cultural appropriation and casual racism.

The Panel considered that the use of an accent was not by itself negative.

The Panel considered that the depiction of Asian people or Asian cultures in the advertisement does not rise to a level that is unfair nor in a manner that would be likely to humiliate or incite ridicule.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race, the Panel 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.