

## Case Report

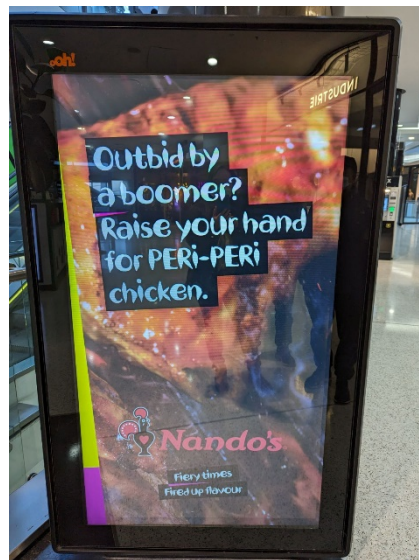
1. Case Number :	0274-23
2. Advertiser :	Nando's Australia Pty Ltd
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	Poster
5. Date of Decision:	6-Dec-2023
6. Decision:	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This poster advertisement features the text "Outbid by a boomer? Raise your hand for peri-peri chicken."



### THE COMPLAINT

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

*The ad is ageist towards older people, ageism is one of top 8 health conditions in USA and when internalised reduced life expectancy by 7.5 years*

*It is ageist. It perpetrates discrimination against older people.*

## **THE ADVERTISER'S RESPONSE**

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

*At the start of 2023 Nando's ANZ launched a new brand platform, 'Fiery times, fired up flavour'.*

*The platform is all about steering into the fiery conversations that make up the cultural zeitgeist in Australia and New Zealand, and simultaneously offering everyone a brief rest bite through a little humour (and hopefully a trip to a Nando's restaurant).*

*As a result, this platform led us into looking at the topics that were really bothering ANZ. These were identified as:*

- *The challenges of home ownership*
- *The threat of AI to jobs*
- *The increase in scammers*

*The basis of the complaint is focused on the line "Outbid by a Boomer? Raise your hand for PERi-PERi chicken". It's designed to be a light hearted way of escaping from the frustrations of home ownership.*

*With all our lines is designed to be one based on fact. As a demographic, cohort baby boomers make up 25% of the population but own more than half of Australia's national wealth (53%) – they also have the highest home ownership rate of all cohorts (above 80%). Their economic footprint is twice as large as the demographic footprint. This isn't about villainising baby boomers, this is about shining a light and supporting those that are finding it tough.*

*As a brand we're a purpose driven organisation. In the last 5 years we've donated nearly 700,000 meals for those in need. We also have a long and proud history of supporting minority groups and those doing it tough.*

*It's worth noting that the campaign is no longer live.*

## **THE DECISION**

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

The Panel noted the complainants' concerns that the advertisement is discriminatory towards older people (the 'baby boomer' demographic).

The Panel viewed the advertisement and noted the advertiser did not respond.

**Section 2.1: Advertising 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 orientation, 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
- Age - based on a person's actual age (i.e. from the date they were born) and not a person's biological age (i.e. how old they may appear)

The Panel considered that the advertisement is referring to a circumstance in which a person had been outbid at a property auction by a person in the baby boomer demographic.

The Panel considered that "boomer" itself is a descriptive term only, and while it is often used in a condescending or derogatory manner, its use is not necessarily discriminatory or vilifying.

The Panel considered that the advertisement is commiserating with those who may have lost out at an auction, but that empathy does not equal a suggestion that an older demographic is useless, entitled or otherwise to be viewed in a negative light and does not do harm.

Overall, the Panel considered that the advertisement did not suggest that those in the 'baby boomer' demographic should or did receive unfair or less favourable treatment, nor does it humiliate, intimidate or incite hatred, contempt or ridicule of that demographic.

### **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 age or gender, 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 Codes administered by Ad Standards, the Panel dismissed the complaints.

