

## Case Report

<b>1. Case Number :</b>	<b>0108-24</b>
<b>2. Advertiser :</b>	<b>Uber Australia Pty Ltd</b>
<b>3. Product :</b>	<b>Travel</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Decision:</b>	<b>1-May-2024</b>
<b>6. Decision:</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This Television advertisement features a mother asking her son for technological assistance with her phone. The son attempts to help his mum but the pair become frustrated. The son's friend reserves an Uber ride to avoid the bickering between the pair.



## **THE COMPLAINT**

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

*The add is ageist*

## **THE ADVERTISER'S RESPONSE**

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

*Uber provides the following response to the complaint, having regard to its responsibilities under the AANA Code of Ethics (Code).*

*Discrimination or vilification*

*Section 2.1 of the Code states the following:*

*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 practice note to section 2.1 of the Code describes 'discrimination' as unfair or less favourable treatment and 'vilification' as humiliation, intimidation or incitement of hatred, contempt or ridicule.*

*The advertisement does not portray discrimination or vilification of any person in the advertisement on account of that person's age.*

*The advertisement portrays a mother requesting help with her phone from her son. The son cheerfully responds, "Sure, mum" and appears enthusiastic and willing to help his mother with the issue. It is implied that the son provides assistance for about 45 minutes but, at some point, is unable to assist his mother further and the pair become frustrated. Despite the frustration, the son appears still willing to help, which reflects a positive and humorous family interaction rather than any negative stereotypes about age.*

*The advertisement does not suggest that people of any age group are incapable of using technology; rather, it humorously highlights the challenge of learning and adapting to new technology, which is a common and universal experience and familiar to people of any age.*

*Any apparent frustration is not due to the age or any other attribute of any subject of the advertisement. The frustration is a light-hearted family squabble which does not*

*relate to the age of the mother or her son. The mother's display of frustration is portrayed in a manner that is meant to be humorous and relatable, not to imply that people of an age group are inherently prone to anger or technological challenges.*

*The advertisement ultimately promotes the utility of Uber's services in reserving an Uber ride, thereby focusing on the helpfulness of the Uber app, rather than any demographic's shortcomings.*

*No person in the advertisement is treated unfairly or less favourably due to their age or subject to intimidation, incitement of hatred, contempt, or ridicule on the basis of age or any other characteristic.*

*This advertisement should be regarded in the same light as the advertisements considered in the following cases, with which clear parallels can be observed:*

*Case 0355-21, in which the Community 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'; and*

*Case 0178-20, in which the Community Panel decided 'there is no shame in taking time to learn new technology' and that there was no discrimination nor vilification arising from 'relatable technology misunderstanding'. As was noted in this case, the mother in the advertisement is shown to be dressed well, in a neat home, and there is no suggestion that she is inept or unable to take care of herself.*

*Uber is genuinely committed to diversity and inclusion of those of all ages. This commitment is demonstrated by Uber's various policies and practices in place both in our workplace and in the community, including:*

*our Non-Discrimination Policy (available at [www.uber.com/legal/en/document/?name=non-discrimination-policy&country=australia&lang=en](http://www.uber.com/legal/en/document/?name=non-discrimination-policy&country=australia&lang=en)), which states:*

*Uber and its affiliates therefore prohibit discrimination against users based on race, religion, national origin, disability, sexual orientation, sex, marital status, gender identity, age or any other characteristic protected under applicable law.*

*Uber Community Guidelines (see section titled 'Discrimination') (available at [www.uber.com/legal/en/document/?name=general-community-guidelines&country=australia&lang=en](http://www.uber.com/legal/en/document/?name=general-community-guidelines&country=australia&lang=en)), which states:*

*Do not discriminate against someone based on traits such as their age, colour, disability, gender identity, marital status, pregnancy, national origin, race, religion, sex, sexual orientation or any other characteristic protected under applicable law.*  
*Sexual appeal*

*The advertisement does not breach section 2.2 of the Code because it does not employ sexual appeal.*

*Violence*

*The advertisement does not breach section 2.3 of the Code because it does not present or portray violence.*

*Sex, sexuality and nudity*

*The advertisement does not breach section 2.4 of the Code because it does not incorporate any depictions or references to sex, sexuality or nudity.*

*Inappropriate language*

*The advertisement does not breach section 2.5 of the Code because it does not use any inappropriate language, such as strong or obscene language.*

*Health and safety*

*The advertisement does not breach section 2.6 of the Code because it does not depict any material contrary to Prevailing Community Standards on health and safety.*

*Clearly distinguishable advertising*

*The advertisement does not breach section 2.7 of the Code because it is clearly distinguishable as advertising.*

*Children's Advertising Code*

*The Children's Advertising Code is not applicable because the advertisement promotes a product directed at adults.*

*Conclusion*

*The advertisement does not breach any sections of the Code and Uber respectfully requests the complaint be dismissed.*

**THE DECISION**

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 is ageist.

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

**Section 2.1: Advertising 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 orientation, 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 some people have trouble learning to use a new phone and this can be frustrating. The Panel considered that helping a relative learn to use a new technology is a common occurrence, which can lead to frustration and conflict. The Panel considered that the advertisement is a light-hearted depiction of this common scenario.

The Panel considered that the advertisement does not indicate that the woman is struggling with technology because of her age. The Panel also noted that there is no indication in the advertisement that the younger man who is trying to assist her is more capable of using the technology.

Overall, the Panel considered that the advertisement did not portray older people in a discriminatory or vilifying manner.

### **Section 2.1 conclusion**

The Panel found that the advertisement did not breach Section 2.1 of the Code.

### **Decision**

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