

## Case Report

<b>1. Case Number :</b>	<b>0024-25</b>
<b>2. Advertiser :</b>	<b>Uber Australia Pty Ltd</b>
<b>3. Product :</b>	<b>Food/Beverages</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Decision:</b>	<b>5-Feb-2025</b>
<b>6. Decision:</b>	<b>Upheld – Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.3 Violence  
AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

There are four versions of this television advertisement featuring Andy Murray.

Version 1 features a man opening the door to two delivery drivers with an Uber Eats bag on his back.. A woman says "Andy Murray?"

Andy says "I didn't order anything on Uber Eats" and closes the door. The woman stops the closing and says "We're here for you actually."

The other man says "Yeah we get all kinds of stuff now, including you."

The woman is holding an empty Uber Eats bag and says "so if you could just, get in the bag."

Andy says "What?"

The woman grabs at Andy and he turns and runs out the hotel.

The text "Get almost almost anything, Maybe even Andy Murray" is seen on the screen.

A security guard is watching and says "That's Andy Murray."

Andy runs down the hotel stairs and jumps through a window of the hotel.

One of the delivery driver's comments that he will take the stairs.

Version 2 features two delivery drivers with an Uber Eats bag on his back chasing Andy Murray through a street. Andy is seen running through the kitchen of a restaurant and the text "Get almost almost anything, Maybe even Andy Murray" is seen on the screen. The delivery drivers enter the kitchen and Andy throws food at them. A chef says "Andy Murray! Calm down!"

Andy runs from the kitchen into the restaurant and somersaults over a table. The delivery drivers chase him knocking over a fish tank.

One of them says "Let's just talk about it."

Andy exits the restaurant and runs down the street. The delivery drivers exit looking down the street and the and one says "he's like a Scottish gazelle." The text "Order Andy Murray on Uber Eats now" and "We haven't caught him yet. But he cant run forever" is seen on the screen.

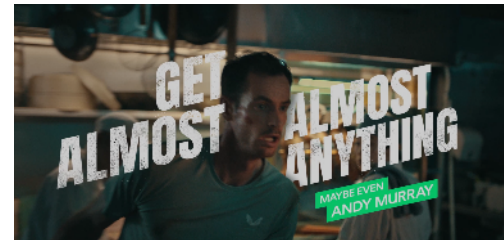
Version 3 features two delivery drivers with an Uber Eats bag on his back chasing Andy Murray through a street. Andy is seen running through the kitchen of a restaurant and the text "Get almost almost anything, Maybe even Andy Murray" is seen on the screen. The delivery drivers enter the kitchen and Andy throws food at them. A chef says "Andy Murray! Calm down!"

Andy runs from the kitchen into the restaurant and somersaults over a table. The delivery drivers chase him knocking over a fish tank.

One of them says "Let's just talk about it."

Andy exits the restaurant and is stopped at a dead end. The delivery people explain it will all be over if Andy just gets in the bag. Andy agrees and the words 'Andy Murray is now on Uber Eats' appear on screen, inviting users to search for, and attempt to order, the Andy Murray meet and greet experience in the Uber Eats app.

Version 4 appears as though it is a promotion for the television series Married at First Sight, which is interrupted by Andy Murray and two delivery drivers running through the background of the wedding.



## THE COMPLAINT

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

*Safety issue. Unsuitable for children to see Any Murray jump through a glass window.*

*Why is kidnapping being promoted as a normal act. It is against the law. The Uber Ads will teach children it is ok to Kidnap people*

*It promotes the kidnapping of a famous person. Then he is chased throughout Melbourne causing such destruction that advisory comments are required in small type at the bottom of the screen. This is celebrity harassment promoted as entertainment,*

*I am very concerned that the violence and criminal behavior shown (and also heavily suggested) in this series of advertisements is a risk and a danger to the community. It is disturbing, unpleasant and uncomfortable to watch, especially seeing the fear and panic depicted by the victim, Andy Murray. Whatever the company Uber Eats aims to achieve in these advertisements to advance its business (which is evidently lost on me) is immaterial in light of the violence shown. At best, it is very, very poor taste; but the unacceptable portrayal of violent acts should be sufficient cause to remove these advertisements immediately. Gratuitous depictions of violence for the purpose of advertising should be banned, being an unacceptable influence on suggestible; impressionable; immature; young; disturbed; violent; or criminal minds. The spate of violence currently in the community in Australia is unacceptable, and we do not need to further fan the flames of criminality by showing such horrible, depraved advertisements.*

## **THE ADVERTISER'S RESPONSE**

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

### *2. Advertiser's response*

*Thank you for bringing the concerns set out in the complaints to our attention. Uber Eats provides the following response, having regard to each of the provisions in the AANA Code of Ethics (Code).*

*The multi-part series of advertisements follow two delivery people attempting to deliver Andy Murray via the Uber Eats app. At the end of the final advertisement, Andy Murray became 'available for order' through a competition on the Uber Eats app and the campaign concluded with a meet and greet experience for one app user. The advertisements should be considered in the context of this broader storyline played out during the campaign.*

#### *2.1 Discrimination or vilification*

*The advertisements do not breach section 2.1 of the Code because they do 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.*

## *2.2 Sexual appeal*

*The advertisements do not breach section 2.2 of the Code because they do not employ sexual appeal.*

## *2.3 Violence*

*(a) Section 2.3 of the Code states that:*

*Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*(b) Uber submits that the advertisements do not breach section 2.3 of the Code for the reasons set out below.*

*(c) The practice note to section 2.3 states that “graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience”.*

*(d) There is no suggestion of violence or any strong suggestion of menace depicted in the advertisement, as:*

*(i) the delivery people attempting to get Andy Murray into the delivery bag engage in playful banter and an amusing over-the-top chase in the style of a comedic action movie;*

*(ii) the delivery people do not kidnap Andy Murray and instead ask him politely to get in the bag (a bag which is clearly too small to fit a person);*

*(iii) Andy Murray does not appear panicked, intimidated or fearful of the delivery people - rather, he is well prepared for the ensuing ‘cat and mouse’ style chase, which is more of an inconvenience than anything else;*

*(iv) at no point do the delivery people harm Andy Murray, who is seen to be in a fit and healthy condition and far more agile than the delivery people; and*

*(v) the advertisements conclude by showing Andy Murray voluntarily agreeing to get in the bag for delivery.*

*(e) The second and third advertisements in the series show Andy Murray throwing lettuce at the delivery people while running through the kitchen and having a brief tussle with the male delivery person, following which they accidentally tip over a fish tank. No reasonable viewer would consider these actions to be violent or menacing because of the over-the-top slapstick depiction. The behaviour is in keeping with the action movie-like style of the advertisements.*

*(f) The third advertisement in the series shows the characters confront each other in an alley and the female delivery person says ‘there’s nowhere left to run’. The characters are clearly shown to be tired from the long chase. The interaction is not violent or menacing, evidenced by Andy Murray’s calm and accepting tone when he agrees to get in the bag and his humorous, light-hearted quip that he’s ‘never coming back to Australia’.*

*(g) The advertisements contain entertaining humour, combining the absurdity of getting a person delivered via the Uber Eats app, with Andy Murray performing action movie-like stunts that would not ordinarily be expected of a world-renowned professional tennis player. The advertisements form part of a series of ‘Get almost*

*almost anything' advertisements by Uber Eats to comically highlight the calamity that would result if consumers could get literally anything on the Uber Eats app.*

*(h) The advertisements received a G or F CAD rating, which indicates they are generally suitable for all audiences including children.*

*(i) We understand that complaints of this nature have been considered on many occasions by the Panel, which has found that the relevant advertisement does not breach the advertising codes. This series of advertisements should be regarded in the same light, including in line with case reference number 0045/16, where the Panel dismissed the complaint and noted that:*

*"... reasonable members of the community would recognise that this scene has been exaggerated for comedic effect and is not encouraging acts of violence against a person."*

*(j) The advertisements are clearly ludicrous and show the unrealistic lengths delivery people may need to go to in order to deliver a professional sports person via an app.*

*(k) For the reasons described above, Uber submits the advertisement does not breach section 2.3 of the Code.*

#### *2.4 Sex, sexuality and nudity*

*The advertisements do not breach section 2.4 of the Code because they do not incorporate any depictions or references to sex, sexuality or nudity.*

#### *2.5 Inappropriate language*

*The advertisements do not breach section 2.5 of the Code because they do not use any inappropriate language, such as strong or obscene language.*

#### *2.6 Health and safety*

*(a) Section 2.6 of the Code states that:*

*Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.*

*(b) Uber submits that the advertisements do not breach section 2.6 of the Code for the reasons set out below.*

*(c) The practice note to section 2.6 in relation to unsafe practices requires that advertising must not "depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards."*

*(d) The advertisements do not depict conduct that is contrary to the safety standards contemplated under the Code, as the people in the advertisement are not shown to be injured or in any real danger, and any dramatic scenes shown are conducted in an exaggerated stunt-like manner. The hyperbolic action movie-like chase scene is what creates the humour portrayed and separates the scenes in the advertisements from reality.*

*(e) The advertisements are unlikely to be seen as realistic by the relevant audience and reasonable viewers would know that Andy Murray voluntarily participated in the shoot and overall campaign, and the stunts were performed by a professional*

stuntman (and not Andy Murray). This was considered and is further emphasised by the inclusion of the disclaimer “Don’t jump through windows. Controlled stunt”.

(f) In case reference number 0297/17, the Panel dismissed the complaint and noted that:

“... most members of the community, including children, would be familiar with special effects used in television and movies and would recognise that this is a commonly depicted stunt and not a man running through an actual glass window.”

(g) The same comments apply to the restaurant scene where the fish tank is accidentally tipped over by the characters. No person is shown to be harmed by the event and reasonable viewers would understand this is a dramatised, slapstick style action scene.

(h) One of the complainants noted that the advertisement was “celebrity harassment”. Any reasonable viewer would understand Andy Murray has voluntarily participated in the advertisement and played out the fictitious narrative of the chase. The chase also ends with Andy Murray voluntarily deciding to get in the bag.

(i) Uber Eats takes health and safety very seriously. The advertisement does not show any content that could reasonably be regarded as encouraging or condoning unsafe behaviour and, therefore, for the reasons described above, does not breach section 2.6 of the Code.

2.7 Clearly distinguishable advertising

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

2.8 Food and Beverages Advertising Code

The Food & Beverages Advertising Code is not applicable because the advertisement does not promote any food or beverage products.

2.9 Children’s Advertising Code

The Children’s Advertising Code is not applicable because the advertisement promotes the Uber Eats app, and app users must be 18 years or over.

2.10 Conclusion

The advertisement does not breach any sections of the Code and Uber Eats respectfully requests that the complaint is dismissed. We also note the marketing campaign has ended and the advertisements are no longer being aired.

## **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether the versions collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants’ concerns that the advertisement depicts:

- violence and criminal behaviour
- unsafe behaviour
- kidnapping as a normal act.

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

**Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.**

Does the advertisement contain violence?

The Panel noted the advertiser's response that the advertisement depicts an actions style chase which does not show Andy Murray being harmed, nor does it contain a strong impression of menace.

The Panel noted that in Version 1 of the advertisement one of the delivery people attempt to grab Andy, instead just getting his robe. The Panel considered that this is aggressive and violent behaviour. The Panel noted that he is then shown fleeing from the delivery people and jumps out of a window to escape, scratching his face. The Panel considered that Version 1 of the advertisement contained violence and menace.

The Panel noted that Version 2 of the advertisement depicted the delivery drivers shouting at Andy, and him fleeing from them. The Panel considered that there was a sense of menace and threat in the advertisement. The Panel noted that Andy is shown to hit objects towards his pursuers and push one of them into a fish tank. The Panel considered that this was a depiction of physical violence. The Panel considered that Version 2 of the advertisement contained violence and menace.

The Panel noted that Version 3 of the advertisement contained the same violent scenes as Version 2, with a different ending. The Panel considered that at the end of this version of the advertisement Andy is seen to be trapped, and agrees to go with the delivery drivers, limping towards them. The Panel considered that Andy appears to only comply because he has no other choice, and his agreement does not undo the sense he is being taken against his will. The Panel considered that Version 3 of the advertisement contained violence and menace.

The Panel noted that Version 4 of the advertisement only depicts a short chase scene at a wedding. The Panel noted that Andy asks the drivers to leave him alone but they maintain pursuit. The Panel considered that while there is no physical violence in this version of the advertisement there is still a depiction of threat and menace.

The Panel considered that the overall theme is that the delivery people wish to take him against his will. The Panel considered that the overall feeling in all four versions of the advertisement is threatening, menacing and considered that attempting to abduct someone is violent behaviour.

The Panel considered that the advertisement does depict or suggest violence.

Is the violence justifiable in the context of the product or service advertised?

The Panel noted the Practice Note for this section of the Code which states

*“Although the depiction of violence in an advertisement may be relevant to the story being told in the advertisement, any violence must also be justifiable in the context of the product being advertised, or else will be in breach of this section of the Code.*

*In considering whether the violence or menace depicted in an advertisement is justifiable, the Community Panel may have regard to the audience of the advertisement. Graphic depictions of violence or a strong suggestion of menace have been found to present violence in an unacceptable manner especially when visible to a broad audience which includes children.”*

The Panel considered that the advertised product is a food and grocery delivery app. The Panel considered that the advertisement was related to a promotion on the app where Andy Murray can be added to user’s carts, and will be ‘delivered’ via the app.

The Panel considered that while Andy Murray’s depiction in the advertisements may be relevant to this promotion, the themes of violence and menace were not justifiable in the promotion of a food delivery app.

### **Section 2.3 Conclusion**

The Panel concluded that the advertisement did breach Section 2.3 of the Code.

### **Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted the Practice Note for this section of the Code includes:

*“Advertisers should take care not to depict behaviour that children may imitate. For example, advertisements which are likely to attract the attention of children or could indicate to children that appliances or other domestic/commercial equipment are a safe place to hide, are seen to encourage unsafe behaviour.*

*Advertisements which feature exaggerated or fantastical elements, which are unlikely to be seen as realistic by the relevant audience, are unlikely to be found to be encouraging or condoning unsafe behaviour.”*

### **Jumping through the window**

The Panel noted the complainant’s concern that the advertisement showed Andy Murray jumping through a window, and this was unsafe behaviour which could cause injury if copied.



The Panel considered that Andy Murray is shown jumping through the window as he is trying to escape his pursuers as part of a fantastical chase scene. The Panel considered that he is shown to be injured as a result of the jump, and the delivery people are shown to be unwilling to make the same jump and opt to take the stairs instead. The Panel considered that the behaviour of jumping through windows is not condoned or encouraged and would be unlikely to lead to copy-cat behaviour.

### Kidnapping

The Panel noted the complainant's concern that the advertisement depicted attempted kidnapping.

For the reasons described under Section 2.3 above, the Panel considered that the advertisement depicted violent and threatening behaviour. The Panel considered that such behaviour would be against prevailing community standards on health and safety.

### **Section 2.6 Conclusion**

The Panel considered that the advertisement did breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement breached sections 2.3 and 2.6 of the Code the Panel upheld the complaints.

### **THE ADVERTISER'S RESPONSE TO DECISION**

Uber Eats thanks the Ad Standards Community Panel for its consideration and we acknowledge the valuable role they continue to play to promote responsible advertising.

We maintain that the scenes broadcast were sufficiently exaggerated for comedic and dramatic effect and that no reasonable viewer would consider them realistic or as an endorsement of unsafe behaviour. Even so, we would like to thank the four members of the community for sharing their perspectives.

The broadcast elements referenced in the complaints were discontinued on 26 January 2025 at the conclusion of the two-week campaign period.