Case Report

Case number:	0262-26
Advertiser:	DiDi
Medium:	TV - Pay / Streaming
Decision date:	21-Oct-2026
Decision:	Breach – Pending Independent Review Request
Action:	Ads to be removed pending independent review.

ISSUES CONSIDERED BY THE COMMUNITY PANEL

- AANA Code of Ethics - 2.1 Discrimination or Vilification - breach
- AANA Code of Ethics - 2.4 Sex/sexuality/nudity - no breach
- AANA Code of Ethics - 2.6 Health and Safety - no breach

AD DESCRIPTION

This series of Pay TV ads contains three different ads:

Ad one starts with two men and a woman walking at night, when one asks, 'Hey guys, should we have one of our massive, big nights out?' at which point the DiDi mascot appears in a puff of orange smoke saying, 'How you going?', before playing his flute. The ad then follows these friends and the DiDi mascot as they enjoy his flute playing in a car, sing and dance at a Karaoke bar, have a tickle fight in a convenience store, join a house party with a DJ, and dance in a bar while the DiDi mascot is playing on the counter. In the final scene, the words, 'Cheap trips so you can do more' and 'Yes, I DiDi' appear on-screen.

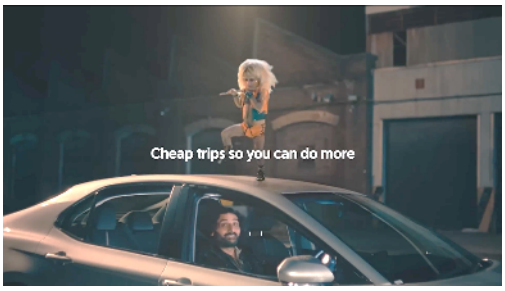
Ad two opens with a scene where a model toy car with the DiDi logo on it is pushed up a street by a hand. In one corner, a model of a man vomiting appears, before cutting to the inside of a bar, where the DiDi mascot is shown on the counter playing a flute, while the customers are shown dancing along. The camera focusses on an older couple who appear to be wearing leopard-print underwear, dancing along with their dog, before cutting to a scene where a man in a suit is rubbing his briefcase. The closing scene shows the DiDi mascot gyrating on the counter as the words, 'Cheap trips so you can do more', and 'Yes, I DiDi' appear while a group of people is shown nodding up and down.

Ad three shows a group of people driving in the car with the DiDi mascot playing his flute. It then cuts to the friends singing at a Karaoke bar, while the DiDi mascot is shown gyrating on a table nearby. A hand is shown requesting a DiDi ride, and one of the group says, 'Ok, let's go' after which another DiDi vehicle is shown driving, with the DiDi mascot playing his flute out the window. The group stop at a hot dog truck where a pair of identical twins are shown preparing a hot dog. In the closing scene, the DiDi mascot is shown dancing on the roof of the DiDi vehicle

while playing his flute, and the words 'Cheap trips so you can do more' and 'Yes, I DiDi' appear on-screen as the group of friends is shown jumping up and down at the hot dog truck.







SUMMARY

Complaints

Complaints were received on the grounds that these ads were unsettling, and featured unnecessary sexual content, which was associated with heavy drinking. Some complainants objected on the basis that these ads depict a person of small stature as a source of amusement or entertainment which bordered on vilification was very offensive.

Advertiser response

The advertiser responded that it was a challenger brand in the Australian rideshare market, and aimed to distinguish itself through humour, creativity and memorable characters. Nudgy is an entirely fictional, deliberately exaggerated comedic character, developed to bring an element of fun and entertainment to our advertising.

His unconventional appearance, exaggerated movements and playful behaviour are intentionally absurd and designed to create a memorable brand identity. While some viewers may interpret his dancing as suggestive, the creative does not, and the intention was never to, depict sexual activity, sexual content, promote sexual behaviour or cause offence. His movements and behaviours are deliberately exaggerated for comedic effect.

These ads do not seek to discriminate against, ridicule or vilify any individual or group on the basis of disability or any other personal characteristic. Nudgy is an entirely and obviously fictional character whose appearance and behaviour are intentionally unconventional and are not intended to represent or make fun of any particular individual or group.

A copy of the advertiser's full response is included as Appendix A.

Decisions

The Panel found that the ads did breach Section 2.1 of the AANA Code, as they vilified a character who appears to have a disability.

The Panel found that the ads did not breach Section 2.4 of the AANA Code of Ethics, as the ads did not depict sex, sexuality or nudity.

The Panel found that the ads did not breach Section 2.6 of the AANA Code of Ethics, as the ads did not depict unhealthy or unsafe behaviour that was contrary to community standards.

ASSESSMENT AND DECISIONS

Section 2.1 (AANA Code of Ethics): 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 defines 'discrimination' and 'vilification' as:

> **Discrimination:** unfair or less favourable treatment
>
> **Vilification:** Humiliates, intimidates, incites hatred, contempt or ridicule

Panel assessment

The Panel considered that the Nudgy character featured in these ads appeared to be the point of focus, and is central to the night of partying depicted. The Panel considered that that he is presented as strange, with exaggerated facial features and an unconventional appearance.

The Panel considered that Nudgy is clearly of short stature, and that his relative size is highlighted in all three ads by showing him dancing next to people but on tables and bar counters to reach roughly the same height.

The Panel considered that under the federal Disability Discrimination Act 1992 (DDA), disability is defined broadly to cover permanent or temporary, visible or invisible conditions, whether present from birth or acquired later. It encompasses physical, intellectual, psychiatric, sensory, neurological, and learning impairments, as well as physical disfigurements and disease-causing organisms.

The Panel also noted that the Code defines 'disability' as 'a current, past or potential physical, intellectual, psychiatric, or sensory illness, disease, disorder, malfunction, malformation, disfigurement or impairment, including mental illness.' The Panel considered that being of short stature would fall within this definition.

Given the highlighted difference in Nudgy's stature compared to all other people shown in the ad, the Panel considered that these ads presented Nudgy as the 'odd' character, different to all others, and meant to be a key element of the humour. The Panel considered that Nudgy was the only person depicted who was of shorter stature, and also the only one in a strange outfit with a strange appearance.

The Panel considered that viewers would likely interpret the emphasis on Nudgy's short stature and unconventional appearance relative to other characters as referencing people with similar physical characteristics or conditions.

The Panel considered that this was reminiscent of bygone activities where people of short stature were made to perform or were otherwise publicly ridiculed as a result of their relative size.

Given this, the Panel considered that the ads presented Nudgy in a way that may incite ridicule or humiliation of a person or people with disabilities. While the Panel accepts that this was likely not the intention of the advertiser, it considered that the overall theme and depictions would be perceived as positioning Nudgy as the 'odd one out', the 'weird' or 'funny-looking' one in a manner that is contrary to community standards and vilifying of people with a disability.

Panel decision

On this basis, the Panel found that the ads breached Section 2.1 of the AANA Code of Ethics.

Section 2.4 (AANA Code of Ethics): Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

The Practice Note defines 'sex', 'sexuality' and 'nudity' as follows:

> **Sex:** Sexual intercourse; person or persons engaged in sexually stimulating behaviour.
>
> **Sexuality:** The capacity to experience and express sexual desire; the recognition or emphasis of sexual matters.
>
> **Nudity:** The depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity.

Panel assessment

The Panel considered that the ads did not feature any sexual intercourse or people behaving in a way that suggested they were being sexually stimulated. The Panel considered that none of the characters appeared to be expressing their sexuality in a way that suggested sexual desires. The Panel noted that one ad depicted a couple dancing in their underwear, but considered that this occurred in a bar and they were accompanied by a dog who appeared to be trained to do tricks. In this context, the Panel did not consider this to be an expression of sexuality as defined in the Code.

The Panel considered that the main character, 'Nudgy' was wearing an outfit that comprised of a pair of orange trunks, a bright orange jacket with no sleeves, a pair of fingerless gloves, and knee-high boots. While his legs, and stomach were visible, this was not portrayed in an attempt to suggest that he was nude.

The Panel also considered that the older couple dancing with their dog were, technically, wearing clothing resembling underwear, and were therefore partially nude. However, given the context and tone of the ad, the Panel did not consider this to require any additional sensitivity or restrictions.

The Panel considered that the dancing movements shown in the ads were more awkward than sexual. As such, the Panel considered that the content and behaviour of the characters in the ads did not depict sex, sexuality or nudity in a manner that the Code seeks to prevent.

Panel decision

Accordingly, the Panel found that these ads did not breach Section 2.4 of the AANA Code of Ethics.

Section 2.6 (AANA Code of Ethics): Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Practice Note states:

> Section 2.6 requires that advertising must not depict content that would encourage or condone unhealthy or unsafe behaviour having regard to Prevailing Community Standards. UNSAFE PRACTICES Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product.

Panel assessment

The Panel considered that many of the complainants appeared to interpret the ads as depicting a night of drinking and partying. While the Panel acknowledges that one of the ads refer to having 'one of our massive, big nights out', and while two of the ads appear to show people dancing in a bar, nobody was shown drinking, and there was no suggestion that any of the characters were drunk.

The Panel also considered that the characters were using the advertiser's services, and were not driving which, at worst, suggests that they chose a responsible means of transport during their 'massive big night out'.

Given that the ads did not depict anyone drinking excessively or behaving in a manner that would likely be considered unsafe or unhealthy, the Panel did not consider the ads to be depicting unhealthy or unsafe behaviour contrary to community standards on health and safety.

Panel decision

Accordingly, the Panel found that these ads did not breach Section 2.6 of the AANA Code of Ethics.

OTHER CONSIDERATIONS

The Panel found that the ads did not breach any other section of the relevant advertising codes.

ACTION

The advertiser has responded to state they have removed the ad and are intending to lodge an independent review request for this matter.

APPENDIX A: ADVERTISER RESPONSE IN FULL

Thank you for bringing this complaint to our attention and providing DiDi with the opportunity to respond.

We acknowledge the concerns raised regarding our recent advertising campaign featuring our character, Nudgy, particularly in relation to his appearance, exaggerated dancing movements and the suitability of the advertisement for general audiences.

DiDi respectfully refutes the suggestion that the advertisement breaches the AANA Code of Ethics. We are confident that the campaign complies with the relevant advertising standards, and we welcome the opportunity to provide context around the creative intention behind the advertisement.

DiDi is a challenger brand in the Australian rideshare market, and our advertising aims to distinguish us through humour, creativity and memorable characters. Nudgy is an entirely fictional, deliberately exaggerated comedic character, developed to bring an element of fun and entertainment to our advertising.

The character's unconventional appearance, exaggerated movements and playful behaviour are intentionally absurd and designed to create a memorable brand identity. While we acknowledge that some viewers may interpret his dancing as suggestive, the creative does not, and the intention was never to, depict sexual activity, sexual content, promote sexual behaviour or cause offence.

We recognise the concerns raised regarding the repeated appearance of the character and the potential for families and children to encounter the advertisement. We understand that humour is subjective and that some viewers may find Nudgy's behaviour unusual. However, we maintain that his deliberately exaggerated comedic performance should be considered in its intended humorous context.

In relation to Section 2.4 of the AANA Code of Ethics, we respectfully submit that Nudgy's appearance and movements are physical comedy rather than any sexual expression. The character is presented in a deliberately exaggerated and humorous manner, without explicit nudity or sexual activity. Accordingly we do not believe the advertisement breaches this section of the Code.

Regarding Section 2.1, the advertisement does not seek to discriminate against, ridicule or vilify any individual or group on the basis of disability or any other personal characteristic. Nudgy is an entirely and obviously fictional character whose appearance and behaviour are intentionally unconventional and are not intended to represent or make fun of any particular individual or group. We refute any suggestion that the advertisement is discriminatory or vilifying.

We have also considered the remaining provisions of Section 2 of the AANA Code of Ethics and are confident the campaign complies with the Code's broader requirements. The advertisement does not promote violence or unsafe behaviour, contain offensive language, or exploit or degrade individuals, and is clearly identifiable as commercial advertising.

While we firmly stand by the creative intention and compliance of the campaign, we sincerely regret any offence or discomfort the advertisement may have caused. Offending or upsetting viewers was never our intention.

We take all feedback seriously and will consider the concerns raised as part of the development and review of future advertising campaigns.

DiDi remains committed to responsible advertising while continuing to develop distinctive, entertaining campaigns that resonate with Australian audiences.

Thank you for considering our response.