



CASE REPORT

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| 1. Complaint reference number | 517/09 |
| 2. Advertiser | Bayswater Car Rental |
| 3. Product | Vehicles |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 9 December 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement is for the car rental market. It has a man or woman's bare legs depicted in the advertisement and the statement "no birds." The advertisement is for car rental services.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

This ad shows a pair of lady's legs, with one provocatively crooked.

It offends my sensibilities, particularly in regard to its prominent placement (page three of "West Australian" newspaper) and frequency (daily).

Furthermore, the illustration's sensual suggestion is irrelevant to the business advertised.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

We believe the ad to be well within the perception of acceptability.

Our connection conveys the absence of delivery-girls (no frills).

We place the ads with the media direct.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concern that the advertisement is sexist and discriminatory and demeaning towards women.

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

The Board empathised with the concerns of the complainant and considered whether the advertisement was in breach of section 2.1 of the code. Section 2.1 of the Code states:

"Advertising or Marketing communications 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, sex, age, sexual preference, religion, disability or political belief."

The Board noted that the advertiser has used the caption "no birds" as part of its branding for over 30 years and although it might be outdated and offensive to some members of the community, it was relevant to its image as a no frills, low cost, car hire rental company and was a tag line that many people in Sydney and Perth associate with the advertiser. In this regard, the Board felt that although the advertisement might be considered to be in bad taste and that some members of the community would not understand or appreciate the context of the advertisement, that the tone of the advertisement did not vilify a person or section of the community as it was intending to portray a service which does not use women to sell its product. The Board determined that it was not in breach of section 2.1 of the Code.

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states:

"Advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and where appropriate the relevant programme time zone."

The Board noted that the advertisement features bare legs and that legs are not related to the advertisement. The Board considered that the legs are not portrayed in a sexualised manner and that the advertisement did not breach section 2.3 of the code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.