



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0002-21</b>
<b>2. Advertiser :</b>	<b>Wicked Campers</b>
<b>3. Product :</b>	<b>Travel</b>
<b>4. Type of Advertisement/Media :</b>	<b>Transport</b>
<b>5. Date of Determination</b>	<b>20-Jan-2021</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Not Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This transport advertisement features the slogan "The best thing about oral sex is the 5 minutes of silence" on the rear. South Australian registration S844 BVI.

### THE COMPLAINT

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

*Women make up 50% of the population and yet this car is allowed to drive around while WickedCampers gets free advertising. This car was parked in an area with plenty of small, impressionable children. My sister is 13 and I would hate to think what statements like that do for her understanding of sex and relationships. This van clearly demonstrates misogyny, rape culture and general sexism.*

*Misogynistic and crass.*

### THE ADVERTISER'S RESPONSE



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

*Advertiser did not provide a response.*

## **THE DETERMINATION**

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 complainants' concern that the advertisement contains explicit sexual references which are inappropriate for a broad audience that would include children, and promotes misogyny, rape culture and sexism.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

**Section 2.1: Advertising or Marketing Communication 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 preference, 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
- Gender - male, female or trans-gender characteristics.

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?**

The Panel noted that the text does not refer to either men or women but considered that most members of the public would assume that it is insinuating that it is a woman giving oral sex, that women do not stop talking and that it is good when they do. The Panel considered the slogan to be misogynistic and demeaning to women, and demeaning to men by suggesting that men would have that attitude to women. The Panel further considered that the words served to commodify women and would not be considered humorous or acceptable by most adults.

### **Section 2.1 conclusion**

Finding that the advertisement did portray material in a way which discriminates against or vilifies a person or section of the community on account of gender or race, the Panel determined that the advertisement did breach Section 2.1 of the Code.

**Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**



The Panel noted the Practice Note for the Code states:

*“Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards.”*

### **Does the advertisement contain sex?**

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that a reference to a sexual act is a reference to sex. The Panel considered that the advertisement did contain sex.

### **Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not by itself a depiction of sexuality.

The Panel considered that the advertisement referred to sex and therefore does depict sexuality.

### **Does the advertisement contain nudity?**

The Panel noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’.

The Panel considered that the advertisement contained only text and did therefore not contain nudity.

### **Are the issues of sex, sexuality and nudity treated with sensitivity to the relevant audience?**

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people’s needs, problems, or feelings, you show understanding and awareness of them.’ (<https://www.collinsdictionary.com/dictionary/english/sensitive>).



The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how some sections of the community, such as children, might perceive the advertisement.

The Panel noted that the advertisement uses the phrase 'oral sex' and considered that this reference to a sexual act is not appropriate for the back of a mobile van which is available to be seen by a broad audience, including children.

The Panel noted that it had previously upheld a complaint for the same advertisement text in case 0168-18. In that case the Panel considered that:

*“the advertisement made a reference to a sexual act (oral sex) and that regardless of whether the viewer was familiar with the joke, in the Panel’s view the reference to oral sex is blatantly sexual and does not treat a sexual reference with sensitivity to the likely broad audience which would see this advertisement on the back of a moving vehicle.”*

The Panel noted that consistent with the decision above, in the current case the reference to oral sex is a phrase most members of the community would find to be distasteful and considered that overall the current advertisement was sexually explicit and did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

#### **Section 2.4 Conclusion**

The Panel determined the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and did breach Section 2.4 of the Code.

#### **Conclusion**

Finding that the advertisement did breach Section 2.1 and 2.4 of the Code, the Panel upheld the complaints.

#### **THE ADVERTISER’S RESPONSE TO DETERMINATION**

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.