



Case Report

1	Case Number	0003/15
2	Advertiser	Wicked Campers
3	Product	Travel
4	Type of Advertisement / media	Transport
5	Date of Determination	28/01/2015
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Lifestyle Choices
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This Wicked Campers van (5656 BAJ) features the slogan, "Virginity is curable!" on the back. Down the side is a depiction of a female Lego character lying on top of a male Lego character with the word, "Legover" written next to them. The female Lego character is winking.

THE COMPLAINT

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

As a mother of children between 4-7 they were immediately drawn to the pictures of the logo characters and began asking questions about why they were in that position? I object to my children being exposed to the degrading and misogynistic images. My 7 year old asked me what is 'virginity?' Why do I have to have this conversation with my child on a trip to the beach? Why have the wicked camper van company not taken the necessary steps to spray paint the offensive images off their vans as was reported in July 2014?

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response.

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 concerns that the advertisement features an offensive slogan and a sexualised image, both of which are inappropriate for a broad audience.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that a copy of the advertisement had been provided by a complainant and that the advertisement contains the slogan, “Virginity is curable!” on the rear of a vehicle and an image of two Lego characters on top of one another with the word, “Legover” written next to them.

The Board noted the phrase, “Virginity is curable!” A minority of the Board considered that this statement is intended to be lighthearted and humorous. The majority of the Board however considered that in this instance virginity is being presented in a negative manner as something which needs to be cured and that the statement is discriminatory as it suggests that people who have not yet had sexual intercourse have an ailment that in some way should be cured.

The Board considered that the advertisement did present or portray material in a way which discriminates against or vilifies a section of the community and determined that the advertisement did breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted the image of two Lego characters lying on top of one another. A minority of the Board noted that the Lego characters do not have genitals and considered that the suggestion of sexual activity is only implied in the image. Following considerable discussion however the majority of the Board considered that the accompanying text, “Legover” places the image in a sexualized context. The Board noted that Lego is of appeal to children and considered that overall the use of the term, “Legover” and the phrase, “Virginity is curable!” alongside the image of the Lego characters amounts to an overall suggestion of sexual activity which is inappropriate for a broad audience which would include children.

The Board considered that the advertisement did not treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience.

The Board determined that the advertisement did breach Section 2.4 of the Code.

The Board considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided”.

The Board noted it had previously dismissed the use of the word ‘virgin’ in an advertisement for Wicked Campers in case 0061/14 where the Board considered:

“...the use of the word virgin does not of itself amount to language which is strong, obscene or inappropriate.”

In the current advertisement the Board acknowledged that some members of the community may feel uncomfortable about the use of word ‘virginity’ in the context of a campervan advertisement however the Board considered that consistent with its previous determination the use of the word ‘virginity’ is not of itself language which is strong or obscene.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

Finding that the advertisement did breach Sections 2.1 and 2.4 of the Code the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Board's determination. The ASB will continue to work with the relevant authorities in Queensland regarding this issue of non-compliance.