



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0012-22
2. Advertiser :	Titan Enterprises (Qld) Pty Ltd
3. Product :	House Goods Services
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	2-Feb-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features two men driving along a road in a convertible. One of the men is in the front seat and the other is sitting in the middle of the back seat. They are talking about all the things they have seen people keep in sheds, including helicopters, water-skis and a boxing ring. They then visit a shed full of pinball machines.

THE COMPLAINT

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

The driver is not wearing a seatbelt in the pinball garage advertisement.

Older male sitting in the rear of a convertible, legs open and genital bulge unavoidably prominent. This is deliberate and very tasteless.

When father and son are driving in the car, there are a couple of issues with the way in which they are driving:

(1) there is no sign of a seat belt which is especially evident with the father who is sitting in the middle of the back seat and is fully visible (while it may not be illegal if it



is a classic car that has never had seat belts fitted, I think it is irresponsible to be so obvious about the absence of the seat belt)

(2) the son has his elbow resting on the door of the car and protruding outside the car. This is not only illegal, but it is a massive safety issue. If side swiped when in this position it can lead to devastating injuries and is a bad habit to be promoting on television where it can be observed by young people.

THE ADVERTISER'S RESPONSE

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

Code of Ethics

2.1- Discrimination or vilification.

The commercials do not discriminate or say disparaging things. The father and son are driving to a location reminiscing about what people keep in their sheds and some of the sheds from past commercials.

2.2- Exploitative or degrading

We are not exploiting or degrading anyone or anything in the commercials. Term "balls gone down the gutsa" refers to the metal ball from the pinball game going down the middle chute to signal "game over" commonly used by people playing pinball machines.

2.3-Violence

There is nothing violent about either commercial -- they are driving and chatting in the car and playing the pinball machines.

2.4 - Sex, sexuality and nudity

The commercials do not promote sex, focus on sexuality or feature nudity. It is a father and son playing a game

2.5 - Language

There is no foul language or suggestion in the script -- they are playing a game, the ball goes down the middle and its "game over"

2.6- Health and Safety

Both males are wearing "lap belt" seat belts as explained below

2.7 - Distinguishable as advertising

The commercials are most definitely distinguishable and advertise a product - garages. The father and son have been fronting the Titan Garages commercials for over 20 years and are very known to their audience as two fun guys enjoying meeting people and discovering what people use their garages for. It is advertising. The client is selling garages.



Comments

I have been Writing/Producing/Directing Titan Garage TV commercials for more than 20 years. The subject matter is "blokey" and targeted to men, the majority of those purchasing a garage. Many women purchase garages too and equally love the Titan Garages "father and son" commercials, we have had enormous feedback. The commercials follow the silly antics and banter of a father and son as they come across people from all walks of life and share their stories about what the sheds are used for. Sometimes the stories are about the father and son simply hanging out in a garage.

The signature piece (aside from father and son) in all commercials is the red T-Bird vehicle. When you see that car, you know it's a Titan Garages commercial. The vehicle is a 1962 model Thunderbird. The vehicle was not manufactured with seat belts and it is my understanding that due to this, seat belts are not legally required. However, my client (who owns the vehicle), had seat belts installed as a matter of safety. The seat belts are "lap belts" and are often difficult to see by the viewer but if you look closely, they are there. Regarding "genital bulge" from the father in the back seat, it's unfortunate that the viewer is looking in that direction when it's merely a father and son driving to the location and chatting along the way. It has not and never will be our intention to produce vulgar, tasteless commercials. It's about the father and son, not the father's crotch. These two have become relatively famous in South East Queensland as the viewers follow their story for the past 20 years as previously mentioned.

THE DETERMINATION

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

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

- People not wearing seatbelts while in a moving vehicle
- A person with their arm out the car window
- A sexualized scene showing a man's genitals with his legs spread.

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

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

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel noted that the man was depicted wearing shorts and a t-shirt and considered that this attire was not in itself a depiction of sexual intercourse or



sexually stimulating or suggestive behaviour. The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the man was sitting in a vehicle with his legs spread. The Panel considered that although a genital bulge was mildly visible in the advertisement, there was no emphasis or attention to his genitals and the depiction was not sexualised.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel considered that the man is depicted wearing clothing and considered that the advertisement did not contain nudity.

Section 2.4 Conclusion

The Panel determined the advertisement did not contain sex, sexuality and nudity and did not breach Section 2.4 of the Code.

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

Seatbelts

The Panel noted the advertiser’s response that the vehicle does have lap seatbelts that the driver and passenger are wearing. The Panel considered that vehicles such as the one depicted in the advertisement typically do have lap seatbelts.

The Panel noted that the seatbelts are difficult to see, particularly on the driver, however considered that this does not mean they do not exist. The Panel noted that a seatbelt is visible on the man in the backseat.

The Panel considered that depicting a scene in which the seatbelts are not highly visible is not promoting or encouraging not wearing a seatbelt.

Arm out window

The Panel noted that the QLD Road Rules do prohibit driving with any part of the body outside the window.



However, the Panel considered that the driver is depicted with his arm on the door of the convertible vehicle, with his hand inside the vehicle.

The Panel noted that it is not a law enforcement agency and its purpose is to uphold community standards.

The Panel considered that most members of the community would not find an arm placed on the windowsill of a vehicle to be unsafe. The Panel noted however that had the man been depicted with his hand/arm outside the vehicle (such as hanging down the outside), it would likely be in breach of the Code.

Section 2.6 conclusion

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.