



Case Report

1	Case Number	0023/16
2	Advertiser	Ultra Tune Australia
3	Product	Automotive
4	Type of Advertisement / media	Internet
5	Date of Determination	10/02/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This advertisement depicts two women wearing tight rubber all-in-one body suits and swinging tennis racquets. The text on screen reads "Get into rubber/Wimbledon" and this phrase is also repeated by the male voiceover who says, "Get into rubber and get into Wimbledon." The voiceover then goes on to say that if you buy a set of radial tyres you will go in to the draw to win a trip to Wimbledon. Whilst the voiceover is talking we see the women in various poses.

THE COMPLAINT

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

The context in which the message has been based is that of a sexual nature with two women dressed in black, skin tight rubber outfits holding tennis racquets.

The wording is also of a sexual nature with the introductory voice over saying 'get into rubber, get into Wimbledon' with 'rubber' being a common word for a condom which is then suggestive that you have sexual intercourse with someone named 'Wimbledon'.

The majority of the commercial features these two women who are dressed in the aforementioned outfits which I perceive to be of a sexual nature and not representative of

Ultra Tune's female customers and hence I find is extremely offensive particularly in a society where women are aiming for equality in today's society. Also, it portrays women as objects of sexual desire and hence also not appropriate as a marketing communications strategy.

It is disrespectful and degrading to women. It portrays two women as sex objects. This may seem trivial to you as you have allowed similar ads in the past. But I would like to remind you that the Prime Minister Malcolm Turnbull has called on all Australians to make a "cultural shift" and stop disrespecting women. "Because violence against women begins with disrespecting women".

THE ADVERTISER'S RESPONSE

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

Advertisements Complaint References 0020116, 0021/16, 0022/16, 0023/16, 0024/16 & 0025116

We refer to your email letters attaching complaints concerning Ultra Tune's three advertisements currently broadcasted on Channel 7 and our website.

The advertisements in questions are:

- Unexpected Situation advertisement: 30 & 15 second advertisements with two female actors in a motor vehicle that breaks down at a railway crossing. They can be viewed on our YouTube channel <https://www.youtube.com/watch?v=vcKXY68Bsvw> and <https://www.youtube.com/watch?v=kFxJhRQBeaw> respectively. The CAD reference numbers are P2KP2ROA and P2KPIROA respectively and they have a PG rating.*
- January 2016 Nexen advertisement: 15 second advertisement of two female actors dressed in black figure hugging clothing holding tyre changing hand tools. It can be viewed on our YouTube channel <https://www.youtube.com/watch?v=cLpTzuHbEDA>. The CAD reference number is P2JTIROA and is PG rated.*
- Get into Wimbledon advertisement: 15 second advertisement of two female actors dressed in black figure hugging clothing holding tennis rackets. It can be viewed on our YouTube channel <https://www.youtube.com/watch?v=cLpTzuHbEDA>. The CAD reference number is P2JTJROA and is PG rated.*

We respond to the issues raised by the complainants (2.1, 2.2, 2.3, 2.4, 2.5 & 2.6 of the Code) as follows:

Unexpected Situation advertisement

- 1. The objective of our advertisement is to promote Ultra Tune servicing by encouraging owners to have their vehicles serviced so as to avoid unexpected situations I break downs*

(this is clearly stated in the voiceover near the end of the advertisements).

2. The advertisement was designed in an exaggerated action movie style and is not intended to be a fully realistic portrayal of real events.

3. Concerns about safety & violence

(a) We sympathise and extend our condolences to the complainants who have suffered or been involved in any railway related tragedy. Our advertisements are not intended to cause distress and we regret any distress it may have caused to those in the public.

(b) The characters do not intentionally stop at the railway crossing. There is no suggestion of a suicide or an attempted suicide. At approximately 4 seconds into the advertisement, a loud bang can be heard and the driver is seen to attend to the controls of the vehicle at first instance (as any reasonable driver would). In the next scene, the vehicle's brakes are being applied in a controlled manner (brake lights are illuminated) as any driver would do.

(c) It is clear that the vehicle has broken down. At approximately 6 seconds, the vehicle stops abruptly and the red crossing signal lights are not flashing.

(d) The driver immediately tries to re-start the vehicle (in order to move the vehicle off the rail line).

(e) At 11 seconds, a long shot of the vehicle at the rail line crossing is depicted and the viewer can see smoke emanating from the front of the vehicle; a clear indicator of a mechanical problem with the vehicle. The driver is continuing to try to restart the vehicle but to no avail

(f) There is no depiction of the collision between the motor vehicle and a "train" (no train is actually depicted in the advertisements).

(g) The characters are shown surviving the inferred collision in the exaggerated unrealistic movie style mentioned above at the end.

(h) The advertisement was filmed in a controlled environment. At no time were the actors or production crew under any risk of harm.

4. We refute the suggestion that the advertisements objectifies or degrades women.

5. The actors are fully clothed wearing evening street clothing that is common in today's society.

(a) The whole advertisement is depicted at dusk and night / evening time, when it is common for women to be in such attire.

(b) The advertisements do not portray nor suggest sex or any sexual act and the actors are not being portrayed as objects of lust. The advertisements do not include any graphic nudity and there is no uncovered flesh.

6. We note a number of complaints have referred to the actors in a derogative way, based

upon their appearance which is a personal bias. In other environments (such as a workplace or school yard), such derogative comments based upon appearance could be considered harassment and bullying.

7. We refute that advertisements suggest or encourages harassment, rape or any other violence against women. Ultra Tune strongly objects to any violence against all people including women. The clothing that the actors are wearing or any person chooses to wear is in no way an excuse or reason for harassment, rape or violence against them. Indeed one of the female actors is an ambassador of White Ribbon Australia (Australia's campaign to prevent men's violence against women).

8. Furthermore we refute that the actors are portrayed as being unintelligent or stupid.

(a) At no time are the actors shown as anything other than as normal people driving with loud music in their vehicle or otherwise.

(b) The characters deal with the vehicle break down without assistance and are not "helpless".

(c) They also escape the implied collision by themselves. The decision to abandon and escape the vehicle is the safest decision.

(d) The final scene was designed to emphasise the female empowerment with them confidently walking away from the vehicle without harm.

9. The use of a male voiceover near the end of the advertisements is a neutral announcement without condescending to the female characters. It is in no way suggesting that a male figure was required to assist the female characters. There is also no suggestion that the female characters required a male figure for assistance with the breakdown and their escape.

10. The advertisements are classified with a PG rating.

January 2016 Nexen advertisement

11. The advertisement is to promote tyres (specifically Nexen Tires) from Ultra Tune.

12. The actors are fully clothed. The images do not portray nor suggest sex or a sexual act and the actors are not being portrayed as objects of lust. The advertisement does not include any graphic nudity and there is no uncovered flesh.

13. The "tongue in cheek" reference to "rubber" in the super and voiceover is clearly explained as referring to Nexen Tires (which is also depicted).

14. The rubber reference and the actors' clothing are a continuation of Ultra Tune's previous advertisement (CAD reference PZLIIROA which also had a PG rating). The previous advertisement was considered by the Board (case number 0201/14) and the complaints were dismissed.

15. The tyre equipment props are not used in a sexual manner or in a suggestively sexual manner.

16. The actors were treated fairly during the production and were remunerated for their performance.

17. We also refer to case number 0380/13 where the complaints were dismissed.

18. The advertisement has a PG rating.

Get into Wimbledon advertisement

19. The advertisement is to promote tyres (specifically GT Radial tyres) from Ultra Tune with a competition to win a trip to Wimbledon.

20. The voiceover explains the connection between the purchase of tyres and Wimbledon competition that viewers may enter.

21. There is no suggestion in the advertisement that the actors are tennis players.

22. The tennis props are not used in a sexual manner or in a suggestively sexual manner.

23. We refer to and repeat paragraphs 4, 6, 10, 12, 14, 16, 17 and 18 above.

In respect of all the advertisements, whilst we appreciate the time and effort the complainants have taken, the number of complaints is a small fraction of the total viewership that has seen the advertisements.

Nevertheless, for the reasons above, we do not believe the advertisement breaches AANA Advertisers Code of Ethics in any way.

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 complainants’ concerns that the advertisement depicts women wearing rubber which is not relevant to the product advertised, is objectifying and is sexualised and inappropriate.

The Board viewed the advertisement and noted the advertiser’s 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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this advertisement features two women wearing tight rubber body suits swinging tennis racquets and the on-screen text reads, “Get into rubber/Wimbledon”.

The Board noted that advertisers are free to use whomever they wish in their advertisements and considered that the use of two women in a car for an automotive product or service is not of itself discriminatory. The Board noted the women are dressed in tight rubber body suits and considered that the clothing does have some relevance to the tagline of “we’re into rubber”. The Board also noted the complainants’ concerns over the way in which the women are depicted with fake breasts, plumped up lips and shiny, plastic looking faces. The Board considered that the women’s clothing and physical appearance may be considered as sexy to some viewers or exaggerated to others but that this is not of itself vilifying or discriminatory.

The Board noted it had upheld complaints about the way these women were portrayed in another advertisement within the same campaign in case 0020/16 where:

“The Board noted that throughout both versions of the advertisement the women do not speak, although they do scream just before the train hits their car. The Board noted that when the women’s car stops suddenly their reaction is to look blank and do nothing, despite being on a rail crossing and despite the noise and vision of both the warning signals and the oncoming train. The Board noted the male voiceover which states, “Avoid unexpected situations. Get your car serviced at Ultra Tune” and considered that the women are being depicted in a manner which suggests they should not be driving a car, are unable to keep it road worthy and are stupid and require saving. The Board considered that the advertisement does present women in a negative manner.”

The Board noted in the current advertisement that although the women do not talk there is no requirement for them to talk, with the voiceover describing the deals and service of the advertiser. The Board noted that unlike in case 0020/16 the women are not required to think or act and considered that they are shown as happy and participating in tennis which is a focus on the advertisement’s cross promotion to Wimbledon. The Board considered that overall the women are not depicted in a manner which is discriminatory or vilifying.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the complainant’s concerns that the advertisement depicts women as sex objects and noted that in order to breach this Section of the Code the images would need to be considered both exploitative and degrading.

The Board acknowledged that some members of the community would find the use of female models to promote an automotive service to be exploitative but the Board noted that the Code does not prohibit this of itself. The Board noted that the two women are wearing tight rubber body suits but considered that in this instance although the women’s breasts are enhanced by the style of clothing the women are wearing, their breasts are not the focus of the

advertisement. The Board considered that, consistent with a previous determination in case 0093/12, whilst it is not necessary for the women to be wearing low cut clothing their clothing does have some relevance to the advertiser's products and tagline, and the women's physical features are not the focus of the advertisement.

The Board noted that the women are depicted playing with tennis racquets and considered that whilst the women are portrayed as sexy they are also portrayed as confident and in the Board's view the overall manner in which the women are depicted in the advertisement does not use their sexual appeal in a manner that is degrading.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then 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 it had previously dismissed complaints about an advertisement for the same advertiser in case 0201/14 where:

"The Board noted the complainants' concerns that the women use seductive moves around the tyres.

The Board noted that the advertisement is for tyres and tyre fitting and that the idea is to draw the attention of the viewer to the tyres. The Board noted that it is unlikely that anyone would behave in the same manner around tyres but that the actions of the women are exaggerated and unrealistic in a humorous way and are only mildly sexually suggestive."

In the current advertisement the Board noted that the women are wearing rubber clothing and considered that whilst the women's cleavages are substantial most of their bodies are covered and the level of exposure is not excessive or inappropriate. The Board noted that there is some relevance between the women's rubber clothing and the advertiser's tagline of "get into rubber".

The Board noted that the advertisement had been rated 'PG' by CAD and considered that overall the advertisement depicted two women wearing revealing clothing but did so in a manner that minimised the sexual impact of the advertisement and in the Board's view did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children viewing the television with parental guidance.

Overall the Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience which would include children.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

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

