



Case Report

1	Case Number	0041/16
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

The advertisement opens on two women climbing in to a white convertible. They go to drive away but the driver has selected first gear instead of reverse so they lurch forward and become lodged on the edge of a cliff. The driver uses her mobile phone to contact Ultra Tune. When she places the phone on the dashboard of the car however it affects the car's balance and we see the car fall down the cliff and hear the women screaming. The Ultra Tune logo appears on screen along with the text, "Avoid unexpected situations" and then we see the two women being rescued by a helicopter.

THE COMPLAINT

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

I believe this ad, alone and in consideration of advertisements in the past by this company, portrays women in a negative stereotype.

The advertisement shows two females in the car making a driving error and then required to be saved by males in a helicopter. The females are portrayed as clueless about their situation and incompetent.

Perhaps if other ads of Ultra Tunes showed some gender diversity it would be less glaring,

but this is just the latest in a string of advertisements that effectively singles out females as being incompetent. I find the advertising completely degrading and insulting as a female. This has to stop.

THE ADVERTISER'S RESPONSE

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

Advertisements Complaint References 0040/16 & 0041116

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

The advertisement is a 30 second advertisement with two female actors in a motor vehicle which inadvertently falls off a cliff and rescued just in time. It can be viewed on our YouTube channel <https://www.youtube.com/watch?v=g4Zfa9ufRMs>. The CAD reference number is P2MS4ROA and it has a PO rating.

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:

1. The objective of our advertisement is to promote Ultra Tune Roadside service which can assist customers in unexpected situations. It also introduces the Ultra Tune Roadside mobile app which is about to be released. The advertisement forms part of a trilogy of the "unexpected situations" advertising campaign.

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

3. Concerns about safety & violence

(a) Save for a few scenes, the advertisement was filmed using a green screen. The vehicle falling was created using computer animation. The advertisement was filmed in a controlled environment. At no time were the actors or production crew under any risk of harm.

(b) In order to create an unrealistic situation, the script called for the driver to inadvertently and unintentionally place the vehicle into drive mode (forward motion) instead of reverse as the driver and viewers expect. This was a plot device used to create an "unexpected situation" reminiscent of the Buster Keating and cartoon-like videos. It was designed to be overly unrealistic and unbelievable.

(c) Notwithstanding the driver unintentionally moving the vehicle forward, we note that the driver did bring the vehicle to a complete stop whilst still creating the unexpected situation required for the narrative.

(d) The driver is then shown to calmly use her mobile phone app to call for Ultra Tune Roadside Assistance. This is an obvious marketing device for our mobile app and further portrays the unrealistic nature of the advertisement (as in reality one would expect the

occupants would immediately egress from the vehicle).

(e) The vehicle falling and the saving of the actors by a roadside helicopter completes the advertisement storyline in similar unrealistic fashion. Again this is clearly a marketing device to promote the Roadside Service and is not believable. The said scenes were created using computer generated animation and green screen techniques.

4. The actors are fully clothed wearing street clothing that is common in society.

(a) The whole advertisement is depicted in summer and with an open-roof convertible where 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.

5. We refute the suggestion that the advertisements objectify or degrade women and that the actors are portrayed as being unintelligent, "bimbos" or stupid.

(a) We refer to and repeat paragraph 3(b) and further say that inadvertently placing a vehicle into an incorrect gear can and does occur with all drivers regardless of gender or appearance.

(b) The characters deal with the unexpected situation and are not "helpless".

(i) The female characters are empowered by their calm use of the mobile phone app. It is not derogatory or stupid to call for help when an emergency situation arises as in this unrealistic cliff situation that has been created.

(ii) Further, once presented with the rescue rope ladder, the characters were required to climb onto the ladder themselves and continue to hold onto it themselves. This again reiterates the unrealistic nature of the advertisement as any such rescue is highly exaggerated.

(c) The male character wearing the Ultra Tune polo shirt in the helicopter was and is not intended to be a statement or comment on gender roles. This character is an employee of the company and was simply available at the time of filming. The helicopter pilot and co-pilot are professional pilots retained as part of the helicopter hire.

(d) The male character in the helicopter smiles and waves in response to the female actor on the left waving to him in the scene before. The smile and wave is that of greeting and happiness that they are safe. There is no suggestion of any sexual or lewd behaviour.

(e) Whilst holding onto the ladder, the characters are shown not to be helpless but self-reliant and strong, in control and confident in their own abilities contrary to the stereotype of a "damsel in distress".

(f) The actors were treated fairly during the production and were remunerated for their performance.

(g) We also refer to case numbers 0201114 and 0380/13 where the complaints were dismissed.

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 discrimination, harassment, rape or 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 for White Ribbon Australia (Australia's campaign to prevent men's violence against women).

8. The advertisement has a PO rating.

In respect of all the advertisements, whilst we appreciate the time and effort the complainants have taken, the number of complaints are a small fraction of the total viewership that have 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 in a sexist manner, is objectifying, 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 depicts a woman selecting the wrong gear and driving her car over the edge of a cliff and then using the advertisers App to summon help.

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 low cut, skin tight dresses and considered that the clothing is not inappropriate for two women going out. 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 are depicted sitting in a vehicle and then being rescued from the vehicle by a

helicopter. In the Board's view, while the women are wearing revealing clothes, the emphasis in the advertisement is being rescued from a car and not on particular aspects of their bodies. The Board considered that the women's 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 recently upheld similar complaints against another advertisement in this campaign in case 0020/16 where:

“The Board noted that the intent of the advertisement is to depict two women unexpectedly breaking down – with the advertiser suggesting that regular services from Ultratune will prevent such an ‘unexpected situation.’ The Board accepted that the intent of the advertisement is to show an unrealistic situation. However the Board considered that the women are depicted as unintelligent in the way in which they sit passively, with blank faces, in the car on the train tracks and also in the way they appear to not notice the oncoming train. This behaviour, in the Board's view, makes the women appear unintelligent and presents them in a stereotypical helpless female situation. In the Board's view, the depiction of the women's reaction to their situation is a negative depiction of women and does amount to vilification of women. The Board considered that the advertisement did portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and determined that the advertisement did breach Section 2.1 of the Code.”

By contrast with the previous advertisement, the Board considered that the women are shown making a not uncommon accident then actively trying to save themselves. The Board noted it was the woman's fault that the car ended up balancing precariously on the edge of a cliff but considered that selecting the incorrect gear is not an unlikely occurrence even if the consequences in the advertisement are absurd. The Board accepted the intent of the advertisement is to show an unrealistic situation. The Board noted in the current advertisement that although the women do not speak they do have the presence of mind to realise that they are in danger and use an App to summon a rescue party. The Board noted the complainants' concerns that the women are rescued by men but considered that this was not of itself discriminatory as it is not uncommon for emergency service personnel to be male.

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 however the Board considered that this use of women is not itself a breach of the Code. The Board noted that the two women are wearing 'going out' clothing which is often revealing 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 noted that when the women are rescued they are viewed from the point of view of the helicopter and considered that although this angle means that the tops of the women's breasts are more prominent in the Board's view the focus on this brief scene is to show the women are being rescued and a view of their breasts is unavoidable but there is no particular focus on the breasts otherwise. The Board considered that, consistent with a previous determination in case 0093/12, as well as case 0020/16, whilst it is not necessary for the women to be wearing low cut clothing their clothing is not unusual for women to wear when going out and the women's physical features are not the focus of the advertisement.

The Board noted that the women are rescued at the end of the advertisement 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 considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

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 the complainants' concerns that the advertisement focuses on the women's breasts when they are rescued. The Board noted that when the women are rescued by the helicopter we see them on the rope from the point of view of the helicopter and considered that whilst their breasts are visible from above the women are clothed and the view of the top part of their breasts is a result of the camera angle. The Board noted that this scene is very brief and considered that the level of nudity is very mild.

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.

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.

