



Ad Standards Community Panel  
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Ad Standards Limited  
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## Case Report

1. Case Number :	0056-21
2. Advertiser :	South East Auto Sales
3. Product :	Automotive
4. Type of Advertisement/Media :	Internet - Social - Facebook
5. Date of Determination	10-Mar-2021
6. DETERMINATION :	Upheld – Not Modified or Discontinued

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.2 Exploitative or Degrading

### DESCRIPTION OF ADVERTISEMENT

Facebook page for Southeast Auto Sales featuring an image of young woman (who is a sales rep) and an older man and woman (customers). Text states "Great way to wrap up a big week. Beautiful #Landcruiser Prado off to its new home. All your finance needs arranged onsite. DM Enquiries". User comments on the page included sexual references.

### THE COMPLAINT

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

*This certain post has been doing the rounds on Facebook - in itself, it isn't offensive, but the comments from the public are. I believe it is Southeast Auto Sale's responsibility to monitor the comments made on their own posts, and take the post down. Clearly, they are loving the publicity, even though the post is subjecting their employees to a ton of explicit and derogatory (disgusting) comments. Not to mention, these are sexist, misogynistic remarks that I am disappointed the company will be ultimately profitting off the back of sexism.*

*Here are a few they're allowing to appear on their page:*

*- Amazing ride but expensive servicing and maintenance.....*

*Same goes for the car.....*

*- Check the Headlights out on that (clearly referring to the woman's body)*



- *It's got twin airbags, yeah?*
- *Just goes to prove the old saying "If it's got tits or tyres it's going to cost ya" is right... This bloke didn't stand a chance...*
- *I think that model has the recalled Takata air bags, I may need to inspect them before purchasing..*

### **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 complainant's concern that the advertisement contains derogatory comments and sexist remarks.

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

### **Is the user generated content within the control of the advertiser?**

The Panel noted the complainant's concerns related to comments on the Facebook post, and not the post itself.

The Panel noted the Practice Note for the Code states:

*"The Code applies to material which draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct, and includes... user generated content which is communicated via a site or digital platform over which the marketer has a reasonable degree of control"*

And

*"User Generated Content (UGC) is material which has not been created by the brand owner but by a person interacting on the brand owner's digital marketing platform. A brand owner has reasonable control of user generated content when it becomes aware of the material. An advertiser becomes aware of material when:*

- *it has posted or published material;*
- *it becomes aware of UGC through reasonable review;*
- *a user notifies the advertiser/marketer of the UGC; or*
- *a complaint is lodged with Ad Standards about the UGC."*



The Panel noted that the comments are on a post published by the advertiser on their own Facebook page, and that the advertiser should and would be aware of the comments and be able to remove or modify them.

The Panel considered that the advertiser would have a reasonable degree of control over the user generated content, and therefore the provisions of the Code apply to this material.

**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 - refer to the attributes, roles, behaviours, activities, opportunities or restrictions that society considers appropriate for girls or boys, women or men. Gender is distinct from 'sex', which refers to biological differences.

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

The Panel noted that the Facebook post features an image of a sales rep, two customers and a vehicle which has just been purchased, the accompanying text states: "Great way to wrap up a big week. Beautiful #Landcruiser Prado off to its new home. All your finance needs arranged onsite. DM Enquiries".

The Panel considered that there was nothing in the image itself, or the accompanying text which would be considered discriminatory or vilifying. However, the Panel noted that the advertisement included over 30,000 comments from members of the public which may be considered degrading or exploitative.

The Panel viewed a selection of the 'top 50' comments on the post and noted that these included a number of comments relating to the physical appearance of the female salesperson. These included:

- I think that model has the recalled Takata air bags, I may need to inspect them before purchasing..
- Check the Headlights out on that
- Comes with a two-inch lift, solid wheels and a metallic orange paint job. The Prado too.
- Just goes to prove the old saying "If it's got tits or tyres it's going to cost ya" is right... This bloke didn't stand a chance...
- Driver and passenger air bags
- "The Dual Airbags, spacious boot and 4 on the Floor got Graham over the line today. And he bought a Prado as well"



- Their headlights are not genuine factory fitted are they?
- Built for speed, handling, looks and rideability. The 4wd probably goes OK too
- I take it she comes with the car air bags as well
- Got the full upgrade with the fog lights, headlights and full rack of accessories. Love the lift kit and traction control!
- Few modifications done to the top end, who do you talk with to inspect the bottom end?
- He asked for the floor model with all the accessories...And got a kitted out Prado as well
- Amazing ride but expensive servicing and maintenance..... Same goes for the car.....

The Panel considered that a number of comments make direct comparisons between the saleswoman and the vehicle. The Panel considered that referring to an employee as though she is a product being sold is humiliating and ridiculing of the woman. The Panel considered that the user generated comments forming part of the advertisement were vilifying of the female staff member.

The Panel noted that the post also included comments relating to the male customer. These included:

- He test drove the car 9 times for a reason
- Old mate didn't stand a chance, I bet he purchased the extended warranty, paint protection and prepaid his next dozen services
- Poor bugger was mesmerised like a deer in the headlights.
- He did have long pants on, something is holding them up
- I don't think old mate meant to buy a Prado when he said "do you do trade ins"
- Even his colostomy bag has cracked a stiffy!
- Yep ! and old grandpa has taken the front straight out of his under pants when she said it has dual airbags in the front.
- Poor bloke was shattered when he realised the two year free servicing was for the car.

The Panel considered that there was a general theme of comments suggesting that the man had only made this purchasing decision because of the sexual attractiveness of the sales person. The Panel considered that many of the comments were of a sexual and derogatory nature which painted the man in a ridiculous light. The Panel considered that the user generated comments forming part of the advertisement were also vilifying of the male customer.

### **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, the Panel determined that the advertisement did breach Section 2.1 of the Code.



**Section 2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

*Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.*

**Does the advertisement use sexual appeal?**

The Panel noted the advertisement featured an image of a female staff member and two customers. The Panel considered that while the focus of the image was not on the staff member, the number of comments relating to her sexual attractiveness would mean this advertisement as a whole did contain sexual appeal.

**Does the advertisement use sexual appeal in a manner that is exploitative?**

The Panel noted that a number of the comments on the post referenced the sexual attractiveness of the woman, and directly compared her to the vehicle being purchased. The Panel considered that a direct comparison between a woman and a vehicle is a suggestion that the woman is an object or commodity.

The Panel considered that the advertiser's failure to remove comments of this nature meant that the advertisement as a whole did depict the woman as an object or commodity and was exploitative of the woman.

**Does the advertisement use sexual appeal in a manner that is degrading?**

The Panel considered that the comments refer to the woman as though she is an object, doesn't matter as a person and doesn't need to be respected. The Panel considered that the advertisement as a whole lowered the woman in character and quality.

The Panel considered that the advertisement did employ sexual appeal in a manner which is degrading of the woman.

**Section 2.2 conclusion**

Finding that the advertisement did employ sexual appeal in a manner which is exploitative and degrading of the woman, the Panel determined that the advertisement did breach Section 2.2 of the Code.

**Conclusion**

Finding that the advertisement breached Sections 2.1 and 2.2 of the Code, the Panel



upheld the complaint.

#### **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 advertiser and other industry bodies regarding this issue of non-compliance.