



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0087-20</b>
<b>2. Advertiser :</b>	<b>Darra Tyres</b>
<b>3. Product :</b>	<b>Automotive</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet</b>
<b>5. Date of Determination</b>	<b>11-Mar-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading  
AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This internet advertisement depicts a woman in black lingerie posed between two tyres, with her hands on one and her feet on the other. Text states "Our performance RUBBERS \*Carriage not included". The impression of the advertisement is that the woman is the body of a motorbike.

### THE COMPLAINT

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

*I was offended by the imagery and wording suggesting women are vehicles to make use of. I also found the text that states 'keeping your family and fleet safe on the road' to be suggesting this add is aimed at family drivers so I object to the highly sexualised image being used as well as the suggested depersonalisation of the woman represented.*

### THE ADVERTISER'S RESPONSE



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

*We have been running this ad for 2 years and this is the first time that anyone has complained.*

*It's a disappointing state of affairs when these type of things are raised, I hope that the level of political correctness in the country is that out of hand. It is no worse than we see on the covers of 100s of magazine and youtube everyday. The ad is clearly meant to be humorous and I doubt that anyone would not see that. The ad is not targetted to children, its targetted to over 25-55 years old males and we also have a similar male topless with tyres targetted to females 25-55, (again humour) the whole campaign is humorous and by far the majority of people see this and take it as such. There is no nudity, we do not feel that it is degrading, due to it clearly being humorous.*

*So I am not sure what the process is to argue this, I find that just taking it down as one person complains risks setting a precedent that anyone who complains gets the ads taken down. I feel that things that are clearly humorous and that are not trying to be sexual or abusive shouldn't be removed.*

## **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 suggests that women are vehicles to make use of, features a highly sexualised image and depersonalises the woman represented.

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

The Panel 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 or degrading of any individual or group of people."

The Panel noted the complainant's concern that the advertisement suggests that women are vehicles to make use of, features a highly sexualised image and depersonalises the woman represented.

The Panel noted the advertiser's response that the ad is clearly meant to be humorous and is not degrading due to the humour.

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.

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that the woman was posed leaning forward with her bottom in the air and this would be considered by many to be a sexualised pose. The panel considered that the depiction of the woman in her underwear in this pose was a depiction which used sexual appeal.

The Panel then considered whether the advertisement used sexual appeal in a manner that was exploitative of an individual or group of people.

The Panel considered that the woman was posed as though she was the carriage of a vehicle connected to the tyres. The Panel considered that the advertisement included the disclaimer ‘\*carriage not included’ and this was a direct reference to the woman being a carriage for a vehicle.

The Panel considered that the term ‘carriage’ and the pose of the woman clearly implies that she is something to be ridden.

The Panel considered that the advertisement dehumanised the woman and depicted her as an object, and that this did meet the first part of the definition of exploitative in the Practice Note.

The Panel considered that the woman was depicted wearing black underwear with a large amount of her body exposed. The Panel considered that there was a focus on the woman’s body, particularly her back and buttocks, and that this was not relevant to the promotion of tyres. The Panel considered that the advertiser has attempted to make a humorous reference to the woman being a carriage for the vehicle, but that this humour and the depiction of the woman was not relevant in the promotion of this business.

The panel considered that the advertisement focussed on the woman’s body parts where this bears no direct relevance to the product or service being advertised and met the second part of the definition of exploitative in the Practice Note.

The Panel determined that the advertisement employed sexual appeal in a manner which is exploitative of the woman.

The Panel then considered whether the advertisement employed sexual appeal in a manner which is degrading of an individual or group of people.

The Panel considered that the woman was depicted as though she was a carriage of a vehicle. The Panel considered that her facial expression appeared sad and



uncomfortable. The Panel considered that the overall effect of the advertisement was a suggestion that the woman was treated as an object and that she was less than human. The Panel considered that this was a depiction which lowered the woman in character or quality, and which was degrading of the woman.

Finding that the advertisement employed 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.

The Panel 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 Panel noted the complainant's concern that the image is highly sexualised.

The Panel noted the advertiser's response that the advertisement is targeted to males aged 25-55 and does not contain nudity.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel noted the Practice Note for the Code states:

"Images which are not permitted are those which are highly sexually suggestive and inappropriate for the relevant audience. Explicit sexual depictions in marcomms, particularly where the depiction is not relevant to the product or service being advertised, are generally objectionable to the community and will offend Prevailing Community Standards."

The Panel considered whether the image depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel considered that the advertisement depicted the woman as a carriage for a vehicle and that whilst there was an allusion to her being available to be ridden, there was not a clear depiction of sexually stimulating or suggestive behaviour. The Panel considered that the advertisement did not contain sex.

The Panel considered whether the advertisement featured sexuality. The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.



The Panel considered that the advertisement features a woman in lingerie in a submissive pose. The Panel considered that the reference to the woman as a carriage is a sexual suggestion that she is available to ride. The Panel considered that the use of the word 'rubbers' in combination with this image adds to the sexualised nature of the image. The Panel considered that the advertisement did contain a recognition or emphasis of sexual matters and was a depiction of sexuality.

The Panel then considered whether the advertisement featured nudity.

The Panel noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement treats nudity with sensitivity to the relevant audience.

The Panel considered that the woman was depicted wearing a black bra and underwear and that her genitals and breasts were covered.

The Panel considered that whilst the woman was not fully nude, many members of the community would consider a depiction of a woman in underwear to be a depiction which constitutes partial nudity.

The Panel considered whether the advertisement treated the issue of sexuality and nudity with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.'

(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestions is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that this image appears as an internet advertisement on a news website and the relevant audience would most likely be adults. The Panel noted that the advertiser stated that the advertisement was targeted at 25-55 year old males, however it was unclear if this was done through a targeting algorithm which would exclude anyone else from seeing the advertisement.



The Panel noted that the advertisement included the words ‘keeping your family and fleet safely on the road’ and that this was a suggestion that the advertisement was targeted at families and businesses.

The Panel considered that the woman’s pose, leaning forward with her bottom in the air, was sexualised. The Panel considered that the woman’s facial expression was vacant and unhappy and this created the impression that the woman was not comfortable in this sexualised position. The Panel considered that the depiction of the woman in her underwear was not relevant to the product or the purpose of the advertisement, and added to the impression that the woman was sexually available. The Panel considered that the reference to the woman as a carriage and the allusion that she is available to ride, in combination with the use of the word ‘rubbers’ adds to the overall sexual nature of the advertisement.

The Panel considered that the overall impression of the advertisement was highly sexualised and not appropriate in the context of an advertisement on a news website. The Panel considered that most members of the community who would view the advertisement would consider the sexualised nature of the advertisement to be an inappropriate way to advertise to families and businesses.

The Panel determined that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and did breach Section 2.4 of the Code.

Finding that the advertisement breached 2.4 of the Code, the Panel upheld the complaint.

#### **THE ADVERTISER’S RESPONSE TO DETERMINATION**

Disappointing, but we will take it down.