



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

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0089/19</b>
2	<b>Advertiser</b>	<b>Touch Up Guys</b>
3	<b>Product</b>	<b>Automotive</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
5	<b>Date of Determination</b>	<b>08/05/2019</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is for a service which provides touch up work for cars called the Touch Up Guys. The advertisement starts by stating 'don't let just anyone touch you up' and shows the before and after images of a car which had been repaired and provides details on the service offered.

## THE COMPLAINT

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

*in this age of sexual harassment and with increasing emphasis and education relating to appropriate and sensitive use of language being highlighted, I think this ad uses inappropriate language with suggestive sexual innuendo.*

*It is distressing to hear the catch line , particularly with accompanied photos which*





*show a blatant disrespect for current decency standards. I am also disappointed that the ad shows a limited knowledge in the use of and impact of language across diverse groups as well as limited imagination.*

*I have not complained earlier...I thought others would complain and the advertisement would be removed. In the days following the publicity of public figures being allegedly accused of inappropriate behavior, and in some cases convicted, In my view the language in this ad is inappropriate/offensive and uses insensitive language with strong sexual innuendo category.*

*I would suggest either reworking the language in the ad to comply with current standards or removing it.*

## **THE ADVERTISER'S RESPONSE**

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

*The 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 features inappropriate language and sexual innuendo and that advertisement was not appropriate especially in the context of current community standards and the publicity of public figures being accused of inappropriate behaviour.

The Panel viewed the advertisement and noted the advertiser did not provide a response.

The Panel noted this television advertisement is for a service which provides touch up work for cars called the Touch Up Guys. The advertisement starts by stating 'don't let just anyone touch you up' and shows the before and after images of a car which had been repaired and provides details on the service offered.

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 advertisement features sexual innuendo which is inappropriate.

The Panel noted that this advertisement was on television, however the CAD rating for the advertisement is unknown. The Panel considered the complainant had referenced seeing the advertisement nightly but had not provided a time. The Panel considered that the relevant audience could be assumed to be broad and include children.

The Panel noted the complainant's concern that the advertisement was not appropriate especially in the context of current community standards and the publicity of public figures being accused of inappropriate behaviour.

The Panel considered whether the phrase 'don't let just anyone touch you up' was a phrase which was referencing or condoning sexual harassment.

The Panel considered that the phrase 'touch you up' could be considered a reference to touching someone in a sexual manner, but in the context of the advertisement the phrase was clearly referring to the touch up service and to the business name.

The Panel considered that there was no visual suggestion of someone being touched inappropriately and the only vision in the advertisement is of a car's paint work being touched up and the vehicles and people involved in the business.

The Panel considered that the innuendo in the line 'don't let just anyone touch you up' contained a message of not allowing people to touch you in an inappropriate way and was not a message condoning sexual harassment.

The Panel acknowledged that there is a growing concern in the community about sexual harassment messaging, however in the current advertisement the Panel considered that the innuendo in the advertisement could not be seen to condone or encourage sexual harassment.

The Panel considered that most people viewing the advertisement would understand the advertisement is referencing a car touch-up service and while the advertisement does contain sexual innuendo, most audience members would be unlikely to find this advertisement to contain sexual harassment messaging. The Panel further considered that young children would not understand the innuendo in the advertisement and would only understand the message about the service and this innuendo is not inappropriate for the relevant broad audience.

The Panel considered that the advertisement did not contain sexual messaging which would be inappropriate for the relevant broad audience. Finding that the



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

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Panel noted the complainant’s concern that the sexualised language in the advertisement was inappropriate, offensive and insensitive.

Similar to the discussion under Section 2.4, the Panel considered that the sexual innuendo in the advertisement was mild and was not condoning or encouraging of sexual harassment.

The Panel considered that the name of the Business was the Touch Up Guys and that they provided a touch up service for cars and that it was not inappropriate for the business to use a variation of the phrase ‘touch up’ in advertising. The Panel considered that the most likely interpretation of the phrase ‘don’t let just anyone touch you up’ would be to consider who you let fix damage on your vehicle.

In the Panel’s view the advertisement did not contain language which is inappropriate in the circumstances and did not include strong or obscene language, and therefore did not breach Section 2.5 of the Code.

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

