



Case Report

1	Case Number	0116/16
2	Advertiser	Wicked Campers
3	Product	Travel
4	Type of Advertisement / media	Transport
5	Date of Determination	23/03/2016
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This Wicked Campers' van, rego WCY 914, has the following slogan written across its rear panels: "Sniffs you're [sic] arse you're probably a bitch". The Wicked contact phone number and website address are on the rear window along with a sticker which reads, "Rent me worldwide".

THE COMPLAINT

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

My 2 girls were in the car with me behind the campervan which had this message sprayed in large letters on the back of it. I had to explain to them that the company used words they shouldn't have. I found it offensive.

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 Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement is demeaning to women and contained language that was offensive.

The Board reviewed the advertisement and noted the advertiser did not provide a 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 is a slogan on the rear of a Wicked Campers’ van and reads, “If a dog smells you’re [sic] arse, you’re probably a bitch!”

The Board considered that the term ‘bitch’ is commonly used to describe a female dog or in colloquial use, a woman. The Board did note that the term has also been used to describe men in some instances however its most common usage would be in reference to a woman and considered that the slogan is making a statement about women.

The Board noted that ‘arse’ is a word that is in widespread and common use in the Australian vernacular and would not in isolation be considered strong or obscene but considered that when the word is used in a more personalised way, to suggest that if a ‘dog smells you’re [sic] arse, you’re probably a bitch’ the context changes. The Board considered that the use of the words in the same sentence, conveying this message, was disparaging toward 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.

The Board determined that the advertisement did breach Section 2.1 of the Code.

The Board 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 Board noted that outdoor advertising is in the public domain and has a broad audience. The Board believes that messages and images presented in this medium need to be developed with a general audience in mind and given particular attention to the placement of such advertising. The Board noted that this advertisement is on display on a moving vehicle and considered that the audience would include adults and children.

The Board considered that the terms ‘arse’ and ‘bitch’ used are not used in a manner that is consistent with colloquial usage in Australia. The Board noted that most members of the community would consider that the language used, placed on a moving vehicle able to be seen by a broad audience, was inappropriate. The Board further considered that the effect of

using both the words in the same sentence, would be considered strong and obscene.

The Board noted that they had previously upheld a similar complaint in case, 0498/15, where two commonly used words were used in close succession and considered that this increased the impact of the words.

The Board determined that the advertisement did breach Section 2.5 of the Code.

Finding that the advertisement did breach Section 2.1 and 2.5 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Board's determination. The ASB will continue to work with the relevant authorities in Queensland regarding this issue of non-compliance.