



Case Report

1	Case Number	0165/13
2	Advertiser	Chrysler Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	Pay TV
5	Date of Determination	12/06/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement shows a woman driving her new Jeep Compass with her dog to a park.

The Advertisement then shows the dog attending a dog obedience class with his owner.

In the class, there are about a dozen people and their dogs. They all line up in rows as the instructor gives short clipped instructions which all the dogs obey. The dog which is the "star" of the Advertisement executes all instructions flawlessly.

The next scene is on a different day, with the woman and the dog driving through the park in the Jeep Compass, eager to get to class. But as they arrive they see the blackboard has been changed to read, "Guest Trainer: Brad".

When the woman catches Brad's eye, the dog begins to worry and springs into action.

The dog jumps up and thrusts against Brad's leg. The dog's behaviour is such that Brad has to ask the woman to leave the class and take her dog with her.

Finally, the Advertisement cuts to the woman driving off in the Jeep Compass with the dog in the front passenger seat.

THE COMPLAINT

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

In the commercial the Border Collie breaks away from the leash and proceeds to one of the male actors and in graphic visual depiction is shown "Humping" the male actors leg. This is not only inappropriate for the time frame prime time between 6 - 7.30 pm, but young children are being subjected to this type of advertising. I believe that this commercial should be withdrawn from TV.

My 9 and 6 year old children, who saw the commercial, were disgusted and upset. Not that they really understood what was happening and thankfully did not ask.

Obviously, a dog displaying this type of behaviour is inappropriate and difficult to explain to little ones. I am particularly offended by the fact that this advert is being shown during the day and during children's viewing time. I cannot believe that in this day and age, a company such as Jeep would think that something this crass would appeal to would be purchasers. I am pretty sure I would not be the only person who finds this advertisement offensive.

The actions the dog is made to do.

Not only were me and my family members disgusted, my nine year old brother was in the room at the time and wanted to know what was happening. This smut has no place for TV, it is disgusting and has nothing to do with the advertisement.

JEEP does not need to show a dog 'humping' a man's leg to get across the message that it is a desirable car to own. I am offended by the sight of the dog 'humping' the man's leg. That part of the ad is in bad taste.

I am sure I do not have to expand on why this may be distasteful to the general public.

The add depicts a dog doing unmentionable acts with the dog trainer...it is not right and highly objectionable and has no bearing on trying to sell a vehicle.

THE ADVERTISER'S RESPONSE

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

In each of the complaints which together make up the Complaint, the complainant alleges that the Advertisement objects to what the dog is doing when the dog jumps up and thrusts against the dog trainer.

The complainants also allege that this depiction is not right and highly objectionable and has

no bearing on trying to sell a vehicle.

In each of the written complaints which together make up the Complaint, the complainant alleges that the Advertisement objects to what the dog is doing when the dog jumps up and thrusts against the dog trainer. The complainants also allege that this depiction is not right and highly objectionable and has no bearing on trying to sell a vehicle.

The Advertisement follows on from an advertisement which screened last year (which was also the subject of a complaint to the Bureau (Reference No. 0030/12)) and again focuses on a very clever and mischievous, but loyal, dog which, after being the sole focus of his owner's love and attention, is fearful of yet again having to share her with a boyfriend. Towards the end of the Advertisement, having behaved beautifully when the dog trainer was a woman, the dog is shown as misbehaving badly and doing things that naughty dogs do. His behaviour completely confuses the woman and the dog trainer looks disapprovingly at the dog and orders that he be removed from the obedience class, which is exactly what the dog wants. The Advertisement ends with the dog being driven off in his owner's Jeep Compass, looking very happy with what has happened.

The dog jumping on the leg of the trainer illustrates his disobedience, so the audience can understand that the dog is willing to go to any length to stop his owner from replacing him as his owner's favourite companion.

This happened on the day of filming without any coaching or training taking place and we did not think it would be right to omit this from the Advertisement as it was ultimately what we were trying to convey disruptive behaviour.

It is also something that dogs do naturally when they are seeking to assert dominance over another male, be it a human or another dog and is certainly not of a sexual nature as far as dogs are concerned.

There are no sexual references intended or sought to be shown. However, numerous conclusions are expected from the target audience of males and females 35 years and older.

Finally, even if the Advertisement is construed as containing sexual references, it is noted that the AANA Advertiser Code of Ethics allows such references so long as (as is the case with the Advertisement) the sexuality is treated with sensitivity to the relevant audience (being potential purchasers of motor vehicles, which clearly do not include children). Further, it is submitted that the dog's behaviour (when the dog is behaving in a way dogs naturally behave and which the dog was not taught or encouraged to do) cannot be regarded as highly sexually suggestive or likely to offend prevailing community standards.

4. AANA Advertiser Code of Ethics (the "AANA Code")

I note that you request CAPL to respond to the Complaint with reference to Section 2 of the AANA Code. This section deals with the AANA Code specifically and sets out CAPL's comments in relation to the specifics of the Complaint, while issues relating to the FCAI Code are dealt with in Section 5 below. CAPL does not believe the Advertisement breaches any part of Section 2 of the AANA Code. In particular, it is our view that the Advertisement:

(a) does not discriminate against or vilify any person or section of the community (section 2.1);

(b) does not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people (section 2.2);

(c) does not portray violence (section 2.3);

(d) does not portray sex or sexuality or alternatively treats sex, sexuality or nudity with sensitivity to the relevant audience (section 2.4);

(e) does not contain strong or obscene language (section 2.5); and

(f) does not depict material contrary to prevailing community standards on health and safety (section 2.6).

5. The FCAI Code

This section addresses the FCAI Code.

CAPL sees no basis for construing the Advertisement as being in breach of any part of clauses 2(a) to (e) of the FCAI Code as CAPL believes that the Advertisement does not depict:

(a) any unsafe driving that would breach any Australian law. The FCAI Code refers to examples such as excessive speed, sudden, unnecessary changes in direction, unnecessarily setting motor vehicles on a collision course.

The Advertisement does not in any way display this. Further, the attached copy letter from Animal House Pty Ltd confirms that the dog in the Advertisement wore a dog car harness at all times while the Jeep Compass featured in the Advertisement was moving.

(b) people driving at speeds in excess of the limit. The Advertisement does not in any way display this.

(c) any driving practices or other actions that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction. For example, use of hand held mobile phone, not wearing seatbelts. There is no evidence that the Advertisement contains depiction of any practices that would breach any Commonwealth law or the law of any State or Territory in the relevant jurisdiction.

(d) any people driving whilst fatigued or under the influence of drugs or alcohol. The Advertisement does not in any way display this.

(e) any environmental damage whatsoever. There was no environmental damage depicted or caused by the creation of this Advertisement. CAPL further confirms that:

(i) the Advertisement has been released nationally; and

(ii) the Advertisement has been made available on the internet.

CAPL takes its responsibilities as an importer and distributor of motor vehicles seriously and this extends to CAPL's obligations under the AANA Code and the FCAI Code. When preparing advertisements including the Advertisement CAPL is conscious of the provisions of the AANA Code and the FCAI Code.

CAPL believes that the Advertisement is advertising the Jeep Compass appropriately, with no intention to undermine the provisions of the AANA Code and/or the FCAI Code. As such, CAPL does not believe that the Advertisement breaches either the AANA Code or the FCAI Code and therefore requests that the Complaint be dismissed. CAPL will endeavour to continue to produce advertisements consistent with the standards as set down by the AANA Code and the FCAI Code.

Please do not hesitate to contact me if you have any questions or require any further information.

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’s depiction of a dog performing a sexual act on a man’s leg is inappropriate and not suitable for children to view.

The Board viewed the advertisement and noted the advertiser’s response.

The Board 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 considered that the advertisement depicts a dog misbehaving as it is jealous of its owner’s interest in the male dog trainer. The Board noted that after freeing itself from the lead, the misbehaving dog is then shown to mount the dog trainer’s leg in a sexual manner. The owner and dog are then seen driving away from the training class after being evicted by the teacher.

The Board noted the complainant's concerns that it is not appropriate to show a dog performing a sexual act. The Board considered that the portrayal of a dog conducting itself in this way, is natural animal behaviour, and although some people may find it in bad taste to show, it is not inappropriate. The Board considered however, that in an open park environment, this type of behaviour could potentially be displayed by any dog and that it is behaviour that could be discussed between adults and children if the need arises and at an age appropriate level.

The Board noted that the advertisement complied with Commercial Television Industry Code of Practice and the advertisement was classified with a “W” rating and appeared in the appropriate timeslots for the rating given.

The Board noted that they considered this complaint as part of the campaign on TV (ref 0166/13) and dismissed the complaints on that occasion.

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, and consistent with the decision mentioned above, the Board dismissed the complaints.