



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0166/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Chrysler Australia Pty Ltd</b>
<b>3</b>	<b>Product</b>	<b>Vehicle</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/06/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### 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:

*Totally uncalled for. Everyone I have spoken to about it has been outraged, as well I have seen this advertisement on a number of occasions and it is about time it was pulled from air.*

*I don't think little kids should be watching a dog humping a man's leg also it is illegal to have pet in front of car.*

*What has this got to do with choosing a vehicle? I have seen this now for the second time on television and find it offensive. Jeep company have no integrity with advertising content and any channel showing this particular ad running low on integrity too. Lift your game channel nine.*

*It is sexually explicit and totally irrelevant and unnecessary. It has nothing to do with the Jeep vehicle being advertised and does not at all relate to the performance or attributes of the vehicle.*

*Was totally disgusted to see the dog in the ad, go and start humping the leg of the male trainer. Not appropriate for adults to see yet along my 4 year old grandchildren, as it was during kids TV time. I had previously seen the as later in the evening and still thought it disgusting to see. I would like that particular ad removed from the TV altogether.*

*The woman's dog also takes a liking to the trainer and is seen humping the males leg. Unnecessary and offensive.*

*The advertisement was viewed at 4.45pm on Tuesday 21st May 2013, which is an unacceptable time for these types of advertisements.*

*I thought Channel 9 would show more discretion, as to the time this type of advertisement went to air.*

*Please remove this advertisement from your programmes and show some respect for our younger generations.*

*Don't need to see a dog shagging a person's leg to want to buy a car.*

*The fact of the dog humping the trainers' leg is totally unnecessary and disgusting. Why would this be included in an ad for a motor vehicle? The action has absolutely nothing to do with the promotion of the car.*

*I dread the thought of this ad coming on the screen when I happen to be watching TV with my young grandchildren and them raising questions as to what it is about.*

*How much effort would the advertising company have had to put in to get the dog to do this?*

*That is basically cruelty to animals.*

*Television standards are slipping fast enough in this country without something like this being added to the mix.*

*There is an ad on TV which is totally unsuitable for any age group.*

*It is very hard to explain to my grandchildren, when they ask us the reason why.*

*The advertisement was offensive by the act of the dog involved in a simulated sexual act on the man's leg.*

*I feel strongly that the portrayal of the dog "humping" the male "trainers" leg is entirely unnecessary and the disobedience of the dog to guarantee his place in the front seat of the Jeep (as previously used by Jeep) could surely have been a myriad of other bad dog scenarios. On subsequent viewing I also believe that there is an overt reference to the dog ejaculating on the male trainer's leg and again this is not something that I feel is general viewing. I do not see the necessity of the disobedience being a sexual one, and one that I don't want to have to be confronted with at any given time. I have had to explain to my 7 year old son what the dog is doing and without going into too much detail. When the 1st ad was shown with the 'to be continued'... lead off, he was sure the dog was going to pee on the trainer. Not so decided Jeep and not funny thinks my son. Neither do I, bestial promotion of a car is a new low even for Jeep.*

*The particular "DON'T HOLD BACK" ad which I and my family found offensive was the one featuring a dog trying to mate with a man's leg. We found it offensive as it was an unwarranted scene which will cause young children to question their parents "Why is the dog doing that?" Fair enough question, and, coming off a situation where we have dogs, cattle, and other livestock, we faced those same questions with our children when they were young. However, the context of those situations was entirely different, and was able to be gently explained to the young child. This ad sort of "sexualises" the situation in a pseudo-bestiality manner. On the 1st May 2013, Foxtel removed a billboard in Kings Cross, Sydney, due to concerns over bestiality. This Jeep ad is no way near as overt as the Foxtel error, but we believe it is in the same ballpark, offensive, and so should be pulled.*

*This ad has overt sexual connotations. It is quite explicit and obvious what the dog is doing and I found it most offensive, in fact foul and disgusting. I am also concerned that the ad is shown during The Voice which is watched by many young people, including children. I did not even realize the ad was about a vehicle until the end of the advertisement.*

*I was offended by having to explain to a young child what the dog was doing and why, especially at that time of night and I don't think it's necessary to be so graphic at any time of the day. It's not ok to imply that because you own a certain brand of vehicle, you can let a dog run riot. I am also concerned for the welfare of the dog - is that it's party trick that it can perform at will?*

*The dog is humping the leg of the dog trainer. I do not think this act needs to be seen on prime time TV. It is offensive to watch. Children do not need to see something like this being the focus of an ad campaign.*

*This advertisement for the JEEP Compass somehow feels that a dog 'humping' a man's leg is a good way to promote this product. If it is meant to be funny, I didn't notice, I was stunned by the content. I find this advertisement extremely offensive.*

*I feel it is not selling a Jeep .It offends me to have to watch that on T.V & unnecessary for selling any product.*

*The sexual act performed by the dog onto the trainer's leg, the morning show is watched by my young daughter and I find the ad distasteful.*

*The content of this advertisement has nothing to do with the vehicle supposedly being advertised and is extremely offensive to many people. It is broadcast at all times of day so is being seen by young children. It is filthy bottom of the gutter advertising and if it is intended to be funny, it has certainly missed the mark.*

*I don't really enjoy seeing dogs having sex on a person. Was on at several times during the day, this time was just when my family was trying to enjoy a program together.*

*The humping of the instructor's leg is in full view of everybody watching and I cannot understand how this relates to the Jeep. Does this mean that if you own a dog and buy a Jeep it will hump everybody?*

*The dog pulls free of his leash and goes and mounts the male dog trainer's leg. I do not want to see a dog humping a man's leg on television and if I had younger children I would be even more annoyed about it.*

## **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 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 complainants’ 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 Pay TV (ref 0165/13) 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.