



Case Report

1	Case Number	0217/17
2	Advertiser	Wicked Campers
3	Product	Travel
4	Type of Advertisement / media	Transport
5	Date of Determination	24/05/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The van had written on it " Grass, Gas and Ass."

THE COMPLAINT

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

The slogan was advocating the use of drugs and selling one's body (Prostitution)

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 to the complaint.

THE DETERMINATION

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

The Board noted the complainant’s concerns that the advertisement was advocating the use of drugs and prostitution.

The Board viewed the advertisement and noted the advertiser had not provided a 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 noted the slogan on the rear of the van included the text “Gas, Grass or Ass, no-one rides for free!”

The Board considered that the wording of the slogan suggests that there is a need for payment in petrol, marijuana or sex in order to have a lift in the van. The Board considered that the use of the term ‘Ass’ in this way was a suggestion that payment would be accepted by way of sex. The Board noted that the broad audience would include children. The Board considered that children would be unlikely to understand the innuendo but members of the community would likely find it offensive.

The Board considered that this reference was a reference that is not suitable for the relevant audience and did not treat the issue of sex with sensitivity to that audience.

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

The Board then 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 it had recently considered the use of the word ass in a Wicked Camper slogan "Want to get laid?...Crawl up a chickens ass and wait" (0201/17).

The Board noted in the current advertisement that the word ‘ass’ is used in reference to sex and a minority of the Board considered that while the word ‘ass’ is not strong or obscene it is still a word that many members of the community would prefer not to have emblazoned on a vehicle which they have no control over their children seeing. A minority of the Board considered that the advertisement did depict language which was inappropriate in the circumstances.

Following considerable discussion however, the majority of the Board noted that it had previously dismissed the use of the word ‘ass’ in an outdoor advertisement in case 0492/16 where:

“The Board noted that the phrase “Don’t be a Tight Ass” is used next to an image of a woman who is positioned with her bottom prominently visible. The Board noted the

relationship between the image and the wording promoting low rates for gym membership and considered that the overall suggestion is that the membership is cheap and the bottom of the woman is a 'tight ass' due to her efforts at the gym. Consistent with previous determinations in cases 0057/13 and 0387/13, the Board considered that use of the phrase 'tight ass' in the advertisement is consistent with the common Australian vernacular usage meaning and association with cheap prices of goods/services and is not pornographic."

In the current case, the majority of the Board acknowledged that some members of the community would prefer that the word 'ass' not be used in an outdoor advertisement but considered that this word is not of itself strong or obscene and in the Board's view the strong references to drugs and sex are sufficiently obscure as to be unlikely to be considered inappropriate by most members of the community.

The majority of the Board considered that the advertisement did not use strong, obscene or inappropriate language and determined that the advertisement did not breach Section 2.5 of the Code.

The Board then considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

As mentioned above, the Board noted that the wording of the slogan suggests that there is a need for payment in petrol, marijuana or sex in order to have a lift in the van. The Board considered that the suggestion that a passenger should pay for a lift with drugs which are illegal is against prevailing community standards regarding drug use.

The Board considered that the use of humour may be the vehicle to attract attention to the business but that the use of humour does not necessarily outweigh or justify a message that reasonable people in the community might take from an advertisement. The Board also noted that there will be a range of views in the community about how humour in a particular advertisement affects the message of the advertisement but in the Board's view, the overall message is one that is contrary to prevailing community standards on health and safety and was a breach of section 2.6 of the Code.

Finding that the advertisement did breach section 2.4 and section 2.6 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

On 18 August 2017, the advertiser provided a Statutory Declaration confirming that the slogan on the rear of the motor vehicle [Qld registration 531SOK] has been removed.

