



Ad Standards Community Panel
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AdStandards.com.au

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Case Report

1. Case Number :	0253-20
2. Advertiser :	Harrigan Motor Group
3. Product :	Automotive
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	9-Sep-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement shows a man dressed in female clothing (a pink skirt suit and red hair wig) shopping for a vehicle. The car salesman repeatedly suggests that she may be interested in a Ranger and she dismisses him several times, however eventually drives away in a Ranger.

THE COMPLAINT

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

It is extremely offensive and sexist as it depicts a man in drag (clearly) whilst they pretend it's a woman, they act as if they don't know what the car is, that they appear silly.

Dressing in drag to mock women, trans, gay etc. individuals in 2020 is totally unacceptable.

As a woman I was horrified to think that men still want to portray woman in this way.

This is the type of thing that may have been acceptable in the 1970s but not today.

I will never, ever consider this organisation to purchase any type of vehicle.

Having spoken to many others I have found that everyone agreed this advertisement is inappropriate.



THE ADVERTISER'S RESPONSE

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

I feel for you having to deal with complaints of this nature. In our opinion the show that the complainant was watching at the time is far more sexist, and degrading than anything we have portrayed in the ad.

If there is a problem with this commercial, I believe we will have to remove all of Dame Edna Everages commercials as well. I actually feel for you having to seriously follow this up.

Let me know if there is anything else we can assist you with.

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 complainants' concern that the advertisement is sexist in its portrayal of the man acting as a woman.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

Gender - – male, female or trans-gender characteristics".

The Panel noted that the advertisement featured a man dressed as a woman and acting in the character of a woman.

The Panel noted that there is a negative gender stereotype that women don't know much about cars.

A minority of the Panel considered that the depiction of a man imitating a woman for entertainment is an imitation of a group with less power which portrays them as not worthy of respect. A minority of the Panel considered that the advertisement



ridiculed women in referring to negative stereotypes and as such did vilify a section of the community on the basis of gender.

However, the majority of the Panel considered that the character of the woman in the advertisement is portrayed as empowered and in control. The character is not treated by the salesperson in a demeaning or disrespectful manner. The Panel noted that the character of the woman didn't know the name of the car she wanted, however considered that she was able to clearly articulate the features that she wanted, and identify the car models that she didn't want.

The Panel considered that a portrayal of a person in drag is not in itself discriminatory or vilifying unless there is an intent to hold someone up to ridicule.

The Panel considered that the character of the woman in the advertisement was not shown to receive unfair or less favourable treatment from the sales assistant, and that the character was not humiliated or ridiculed.

The Panel considered that the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender.

The Panel determined that the advertisement did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement complied with 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".

The Panel noted that there was a brief scene at the end of the advertisement in which the character is seen driving out of the car lot and waves a hand out the window.

The Panel noted that it had previously upheld complaints about advertising which depicted people with body parts outside of a moving car in cases 0232-19, 0112-18 and 0293-17. In these cases the Panel noted the relevant road rule which states, "Section 268, Part (3) of the Australian Road Rules (http://www8.austlii.edu.au/cgi-bin/viewdoc/au/legis/sa/consol_reg/arr210/s268.html) provides: "A person must not travel in or on a motor vehicle with any part of the person's body outside a window or door of the vehicle, unless the person is the driver of the vehicle and is giving a hand signal..."

The Panel noted that it is not clear in the context of the advertisement whether the car is being driven onto a public road or if it is still in the private car lot. The Panel noted that the scene is very brief, lasting for only a second, and there is no focus on the character's arm. The Panel noted that the character's other arm is on the steering wheel, she is seen to be in control of the vehicle and she is moving at a very low speed. The Panel considered that most members of the community would consider that the depiction of a short scene of someone waving out of the window, while on a



private driving lot and in control of the vehicle was not contrary to prevailing community standards on motor vehicle safety.

The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.