



Case Report

1	Case Number	0260/13
2	Advertiser	Chrysler Australia Pty Ltd
3	Product	Vehicle
4	Type of Advertisement / media	Pay TV
5	Date of Determination	14/08/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement shows Ali coming home to her townhouse with shopping when she sees her flatmate Kate drying her hair as if she has just stepped out of the shower. She asks her about why she is showering during the day and they giggle about the fact that it appears 'Richard' has obviously been visiting

THE COMPLAINT

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

*I feel this is denigrating to women. They could say they have another ad where a tall women acts superior to the man- but I think any decent women would never act in the ways portrayed in these ads.
I feel these put down women.*

THE ADVERTISER'S RESPONSE

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

In the Complaint, the complainant alleges that the Advertisement is denigrating to women and puts down women.

The Advertisement is premised on the notion that owning a performance based car like an Alfa Romeo is a romantic one. Thus, the positioning of the Advertisement's theme as "The Romance of Performance".

Only an Alfa owner knows it. Driving an Alfa and owning an Alfa is unlike owning and driving any other car. It is as passionate and as iconic as motoring gets. It is a whole other level to owning a normal car. It is a badge of distinction. The campaign FCG has created uses different and surprising scenarios where that point of distinction is made.

The Advertisement does not discriminate against or vilify a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.

Given that the Alfa Romeo appeals equally to men and women it was FCG's intention to portray all characters in the Advertisement as strong, confident and empowered, regardless of gender. In the Advertisement, Kate is shown to be extremely self-assured and certainly comfortable with the choices she has made – she is not in any way depicted as exploited or degraded.

There are no sexual references intended or sought to be shown in the Advertisement. However, numerous conclusions are expected from the target audience of males and females 29-54 years.

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).

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

I note that you request FCG 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 FCG's comments in relation to the specifics of the Complaint, while issues relating to the FCAI Code are dealt with in Section 5 below.

FCG 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.

FCG 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 FCG 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.

(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.

FCG further confirms that:

(i) the Advertisement has been released nationally; and

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

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

FCG believes that the Advertisement is advertising Alfa Romeos appropriately, with no intention to undermine the provisions of the AANA Code and/or the FCAI Code. As such, FCG does not believe that the Advertisement breaches either the AANA Code or the FCAI Code and therefore requests that the Complaint be dismissed.

FCG will endeavour to continue to produce advertisements consistent with the standards as set down by the AANA Code and the FCAI Code.

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 concerns that the advertisement suggests that a woman would have sex with a man based on the car he drives is denigrating to women.

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

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: "Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of...gender.."

The Board noted... that the advertisement features a two woman who are flatmates. One woman (Ali) arrives at home and asks about why the flatmate (Kate) is showering during the day. The women then acknowledge that 'Richard' has obviously been visiting and has just left in his car....an Alfa Romeo.

The Board noted that the conversation between the women is a clearly light, adult conversation that it is non-judgemental nor critical. The Board noted that the woman who is still drying her hair (Kate) responds to the questioning from her friend with a smile and a level of secretive smugness.

The Board noted that the response of 'Kate' further enforces the overall impression that she is not denying her interlude with 'Richard' and is not embarrassed or uncomfortable about being discovered.

The Board considered that the depiction does not suggest that the woman slept with the man because he has a nice car or that women are likely to choose a partner based on their car. The Board noted that the advertisement did not amount to a depiction of material which discriminates against women and did not breach section 2.1 of the Code.

The Board then 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 that the fact that the woman is having a shower during the day and the relationship to the departure of the man in his Alpha Romeo is suggestive of prior sexual activity between the couple but that there is no sexual activity shown in the advertisement. The Board considered that the sexual innuendo would be understood by adults who are the intended audience for the advertising of a vehicle as the idea is to encourage viewers to want to purchase the new Alpha Romeo.

The Board considered that the portrayal of someone showering during the day could have many other reasonable explanations and that children would not necessarily understand the sexual reference.

The Board viewed the same advertisement on Free TV (0259/13) and reached the same decision and 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, the Board dismissed the complaints.