



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0261/13</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>Pay TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>14/08/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

2.1 - Discrimination or Vilification Gender

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement shows two corporate executive types, a man and a woman (Tony and Rachel), in a lift at the end of the day heading down to the car park.

Tony asks, "Tracey tells me you've bought a new car."

Rachel answers, "No." The lift doors open as Rachel continues to deny the rumours. Rachel then walks towards her new Alfa Romeo. She presses the remote control to open the doors and Tony looks at her confused. "It's not a car," Rachel explains, "It's an Alfa Romeo."

### 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, Rachel 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 and is not sneering or scathing to Tony.*

*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 act superior to a shorter man and that this is discriminatory towards 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 woman and a man dressed in business attire seemingly leaving the office and heading down to the car parking area of the building. The man is questioning the woman about her recent purchase of a new car. The woman denies that she has bought a car and then comments that “it’s not a car, it’s an Alpha Romeo”

The Board noted that the man and woman are presented as work colleagues and that their conversation is casual. The Board considered that the woman appears very confident and exudes an air of superiority but that this is clearly related to the purchase of what she considers to be a superior vehicle.

The Board considered that her perceived position of superiority is not related to her physical height over the man. The Board considered that most members of the community would recognise her actions as being directly related to the purchase of the vehicle and that this is reinforced by her comment that “it’s not a car, it’s an Alpha Romeo.” The Board agreed that this was suggesting that the vehicle is superior to other cars.

The Board determined that the advertisement did not portray the woman in a manner that suggested that women behave in an offensive manner to men who are shorter and that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.

