



**ADVERTISING
STANDARDS
BUREAU**

Level 2, 97 Northbourne Avenue, Turner ACT 2612
Ph (02) 6173 1500 | Fax (02) 6262 9833
www.adstandards.com.au

ACN 084 452 666

Case Report

1	Case Number	0276/14
2	Advertiser	My Plates
3	Product	Automotive
4	Type of Advertisement / media	Free TV
5	Date of Determination	23/07/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- Other Social Values

2.1 - Discrimination or Vilification Gender

2.2 - Objectification Exploitative and degrading - men

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A red hatchback car pulls up at an intersection. We see the male driver of the start to pick his nose and proceed to extract a bogey from his left nostril. He contemplates the bogey for a split second and then looks around the car for somewhere to dispose of it. His gaze settles momentarily on a pink scarf on the passenger seat, indicating that this is in fact his wife's or girlfriend's car. His dismisses the idea of wiping his finger on the scarf and instead wipes his finger on the inside of the car door. We see the bogey on the car door for a split second. The camera returns to the view of the man from the outside of the car.

At this point the image freezes and a female voice over is heard:

“Ladies, do you know what your man's doing when he's in your car? Manproof it with these number plates and he'll never drive it. Manproof.com.au.”

After the words “drive it” the campaign logo, a shield motif with the words

“manproof.com.au”, and a myPlates' initiative are superimposed over the man's face together with the range of new number plates fanned out beneath the shield.

THE COMPLAINT

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

The vulgarity of showing people picking their noses is unnecessary.

I believe these ads are sexist and are in very bad taste.

I find the ad totally and utterly disgusting and not only that it was advertised during The Voice Kids which is not an good example for kids to watch.

I find the advert totally distasteful and unnecessary I would consider no longer watching a network that continues to run it.

The man picks his nose and wipes it on the car door. You can see the snot on the door of the car. It was an overly vulgar ad and I feel it is not appropriate or necessary to see on TV.

This was absolutely disgusting. The graphic detail was revolting. It was so disgusting I changed channel part way through the ad and therefore do not know what product or service was being advertised. The images made me feel physically ill. Note, I have never made a complaint about anything on TV previously. I should not be subjected to this type of revolting image while watching the nightly news. It was also dinner time for many people, however playing it at another time would not make it acceptable. It was the particularly graphic depiction including a detailed "booger" on the man's finger that was particularly disgusting. I feel ill as I am writing this now. Unacceptable!

It made me feel ill. What are we going to have to watch next in the interest of retail sales? Someone inserting a tampon?

THE ADVERTISER'S RESPONSE

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

Response to the complaint

Reference to sections is to the AANA Code of Ethics downloaded from the website

With respect to section 2.1 – Discrimination or Vilification (on the basis of gender)

This advertisement portrays an example of one possible behaviour that a man might indulge in whilst borrowing his female partner's car. The advertisement suggests in a tongue in cheek fashion that a solution to prevent this from happening again is to put one of these number plates on the car in with the implication that he will be too embarrassed to borrow the car again.

We have deliberately cast actors who are normal, clean-cut, well-groomed respectable gentlemen so as to avoid portraying men as grubby, vile or disgusting stereotypes. The fact is the act of picking one's nose is perfectly normal (see response to section 2.6), and is embarrassing to all only when caught in the act. Furthermore, the act of picking one's nose is not exclusive to men.

We do not believe that the behaviour portrayed accurately reflects the behaviour of all men, or even the majority of men.

We do not believe that that anything in the script or the visual implies that all, or even the majority of men behave in such a fashion when borrowing their partner's car.

What we have tried to capture, throughout the campaign, is the tension that exists in relationships whenever a male borrows, or tries to borrow, a female's car. Indeed, one of the TVCs in the campaign reflects a family relationship dynamic in which the mother's son chooses not to borrow his mother's car because it has a set of these number plates on it.

We do not believe that the portrayal of what is an everyday common occurrence is discriminatory against the male gender as a whole.

With regards to the products being advertised they are number plate designs that are likely to

appeal more to women than to men but are not necessarily exclusively available for women. What the advertisement is suggesting to women is that if you put one of these number plate designs on your car then their men will be less likely to drive it, this avoiding the type unpleasant behaviour depicted.

We, therefore submit that this advertisement does not breach this section of the code.

With respect to section 2.2 – “Employing sexual appeal in a manner which is exploitative and degrading of any individual or group of people”.

There is clearly no attempt whatsoever to use sexual appeal as a communication device in this advertisement and respectfully submit that there is no case to answer under this section of the code.

With respect to section 2.3 – “Present or portray violence”.

There is no presentation or portrayal of any violent act in the script or actions contained within this advertisement and respectfully submit that there is no case to answer under this section of the code.

With respect to section 2.4 – “shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

There is no representation of sex, sexuality or nudity in this advertisement and respectfully submit that there is no case to answer under this section of the code.

With respect to section 2.5 – only use language which is appropriate for the relevant audience and medium. Strong or obscene language shall be avoided”.

There is no use of strong, obscene or inappropriate language at any point during this advertisement. We respectfully submit that there is no case to answer under this section of the code.

With respect to section 2.6 – “shall not depict material contrary to Prevailing Community Standards on health and safety”.

The following response contains information that we hope will prove helpful in providing some context and perspective - to demonstrate that the behaviour depicted in the advertisement is normal human behaviour.

Nose-picking is defined as the act of inserting a finger into one’s own nostrils with the aim of removing a piece of dried or semi-dried nasal secretion. Nose-picking or referring to it in public is generally frowned upon and perceived as an unpleasant, or bad, habit. Despite this, it is a ubiquitous behaviour. Nose-picking is practised by the majority of individuals – regardless of gender, age and cultural background. Nose-picking is, bar a few exceptions, harmless.

Few things are more embarrassing than being caught nose-picking. Despite the fact that nose-picking is in most cases innocuous –the only person that can possibly be affected or harmed by nose-picking is the picker – it commonly finds less acceptance than flatulence or belching, regardless of the socio-cultural environment.

There have been a number of medical and psychological studies over the years into this phenomenon. A study published in the Journal of Clinical Psychiatry found that of a sample of 1000 randomly selected adults, 254 responded as follows:

- 91% were current nose-pickers;*
- 75% believed that everyone did it;*
- Nearly 10% claimed to pick their noses at least 3 – 4 times a day.*

There are many reasons given by medical experts for people picking their nose:

- Amongst babies, it is a simple, innocent act of exploring their own bodies;*
- Amongst children, and some adults, it is simply an unconscious sign of boredom;*
- Amongst older children, who may know that is a frowned-upon habit by their parents, will do it either to catch their parent’s attention, or provoke or embarrass their parents;*

Generally speaking, however, most people pick their nose simply to remove or relieve

something that is uncomfortable in their nostril, and are mostly too busy or lazy to conceal it appropriately.

The point of this is that nose-picking, whilst unpleasant for some to see, is a perfectly natural, human behaviour, and is only harmful to the individual picker in extreme circumstances.

On this basis, therefore, we respectfully submit that our advertisement, whilst uncomfortable to watch for some people, does not contravene this section of the code. Additional

information

The TVC first went to air on Sunday 13 July 2014. Airtime was scheduled by our media buyer, Sutherland Media Services, in co-operation with the three free-to-air television networks, and in compliance with the approved CAD ratings.

The geographical coverage of the campaign is limited to metro Sydney, regional NNSW and regional SNSW markets, although we acknowledge that there is some signal spill into ACT and SE Queensland.

It is planned that this commercial, together with a second commercial (that is itself subject to an ASB complaint – reference number 0277/14) will run exclusively for two weeks. At this point in time, the weight behind these two commercials will be reduced significantly and a third, fourth and fifth commercial will be aired over the subsequent four weeks. Our current copy rotation plan has this commercial taken off-air on Saturday 2nd August 2014.

Copies of these other commercials have been supplied as part of this response.

The media weight behind this commercial is not particularly heavy with the current media plan to deliver 160 TARPs over three weeks in the Sydney metro market, and 130 TARPs over the same period in regional NSW markets.

We recognise the fact that this commercial may have offended a small number of people relative to the overall audience exposure. We have received a number of communications also commenting on how funny and insightful they find this and the other commercial.

Having said that, we have taken the proactive step in editing a new version of this commercial which pixelates the image of the secreted mucus, and the act of the male driver of the car wiping said mucus on the interior of the car door. A copy of this version of the TVC is also supplied.

After three days of the campaign we have sold a number of these plate designs, and our overall sales rates have lifted. Furthermore, we have already received nearly 1000 requests for the free air freshener that is offered exclusively on the campaign microsite, manproof.com.au. Overall traffic to this microsite has been very encouraging after just two days of airtime broadcasts.

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 shows behaviour that is offensive and disgusting and is discriminatory toward men as it shows only men carrying out these behaviours.

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

The Board noted that some complainants were concerned that a product aimed at women is able to be advertised. The Board noted that this product is legally allowed to be advertised

and that this issue falls outside of the Code therefore the Board cannot consider this aspect of the complaints when making its determination.

The Board noted the advertisement features a male driver in a vehicle at a stop sign. He starts to pick his nose and extracts snot from his left nostril. He then looks around the car for somewhere to dispose of it and then wipes it on the inside trim of the car door.

The Board noted that many complaints about the advertisement concerned the unacceptability of depicting the man picking his nose in quite a graphic manner (with the focus of the advertisement being watching the man pick his nose and then dispose of the snot).

The Board considered that the advertisement is depicting an activity that is, in Australian society, generally unacceptable in public and even though he is depicted doing something in private, the graphic depiction of it is uncomfortable and unpleasant for many viewers. The Board noted that while the issue of picking ones nose and disposing of snot is not a subject that is generally discussed or considered acceptable in public, the Board agreed that while many people in the community have found the depiction of a person doing this to be vulgar and in poor taste, this issue does not does not breach any specific provision of the Code.

The Board 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 Board noted complainants' concerns that the advertisement is discriminatory toward men and that it is sexist and stereotyping men to have a depiction of a man behaving in a socially unacceptable manner to promote this product. The Board noted that the product is targeted to women as a humorous way of encouraging women to purchase personalised number plates.

The Board considered that the advertisement was intended to be light hearted and humorous and that there is no suggestion that nose picking is an occurrence exclusive to men. While the advertisement mentions only men, there is not a strong suggestion or implication that it is only men who behave in this manner. The Board considered that, while some people may be offended by the depiction of a man in this way, the advertiser's use of a man is not a depiction that is demeaning or negative.

In the Board's view, the advertisement is a humorous manner of encouraging women to have more feminine number plates and does not amount to a depiction that discriminates against or vilifies men and does not breach section 2.1 of the Code.

The Board 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".

The Board noted complainants concerns regarding the unhygienic action of picking ones nose and wiping the contents on the door trim.

The Board noted that although the action is in poor taste, nasal mucus is a bodily function that occurs in everyone and is not isolated as a form of contagion. The Board considered that the depiction of the man picking his nose is not a depiction that is contrary to prevailing

community standards on health and safety and did not breach section 2.6 of the Code.

The Board acknowledged that many viewers would find the imagery to be in very poor taste, however issues of poor taste are not an issue under section 2 of the Code.

The Board noted that it had previously dismissed complaints regarding an advertisement for Kimberly-Clark (0321/12) which depicts a puppy sniffing people's bottoms as part of an advertisement for toilet paper. In its determination of case 0321/12 the Board noted that "some members of the community would prefer that the correct usage of toilet tissue not be referred to, however the Board considered that the advertiser handles the subject in a relatively discreet and humorous fashion."

In the current advertisement the Board considered that rather than glorifying the man's actions the advertisement is portraying the man in a less favourable light and the advertisement is not condoning the behaviour.

The Board noted that while the issue of nose picking is not a subject that is generally discussed or considered acceptable, it is behaviour that is a common occurrence by most members of the community.

Consistent with the decision of the modified advertisement (ref: 0281/14) to dismiss the complaints and finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.