



ADVERTISING
STANDARDS
BUREAU

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Case Report

1	Case Number	0281/14
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

DESCRIPTION OF THE ADVERTISEMENT

Man sits in car and behind pixelated footage appears to pick his nose and then wipe it on the door trim.

THE COMPLAINT

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

I am offended because it made me feel so angry that the advertisement could have been broadcast. I felt repulsed by this ad even with the added pixilation of the object on the end of the man's finger.

It suggests that men, as a gender, engage in disgusting behaviour and cannot be trusted to act with decency. It further suggests that women, by decorating their car with supposedly female oriented paraphernalia, can dissuade a man from driving the car. It is sexist, in the sense that it suggests that men will behave in a manner that people would find repugnant unless supervised. It also suggests that women should project popularly held female stereotypes in the form of the messages on a number plate if they are to empower themselves and guard against expected disgusting male behaviour. In essence, sexism is embedded in this advertisement to both sexes and, as a man, I find the suggestions it portrays offensive. I object to almost vomiting and dry reaching every time I see someone (whether it is blurred out or not) picking their nose and wiping it on the door. I eat my dinner with my family and find it repulsive at any time let alone when we eat.

Whilst I appreciate one cannot legislate against "bad taste", these advertisements go beyond the pale. They are disgusting to watch and occur at dinner time. The entire concept and presentation of these advertisements is both disgraceful and offensive. The activities displayed are precisely those we do not wish our younger people to be exposed to. This advertisement was offensive, base and objectionable. All the "Man Proof Your Car" advertisements portray men as offensive and the whole theme is sexist. Specifically, with this advertisement, I do not wish to see a man (or any person) picking his nose and then wiping the dried mucus onto the inner door lining of a car. In the 21st century, I'm certain we would not see on free to air television a series of advertisements that were to sell men gender biased products by depicting women as base and objectionable. These advertisements should be banned immediately.

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 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 the advertisement features a male driver in a vehicle at a stop sign. He starts to pick his nose and extract 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 image includes pixilation of the end of his finger and the act of wiping it on the door. 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."

The Board noted that that advertiser has taken the approach of pixelating out the mentioned components of the advertisement as a response to complaints received regarding the original advertisement (ref: 0276/14). The Board noted that the complaints received continued to raise the same issues about the advertisement irrespective of the pixilation.

The Board noted the complainants concerns that it is discriminatory and stereotyping men to have a depiction of a man behaving in a disgusting way in order to promote this product. The Board noted that the product is targeted to women as a way to make the number plates of their cars more feminine by using pictures of shoes and other images in order to discourage the men in their lives from driving their cars.

The Board considered that the advertisement does not suggest that all men or even the majority of men behave in this manner nor does it suggest that the act of picking ones nose is exclusive to men.

The Board considered that the advertisement was intended to be light hearted and humorous and that there is a clear connection between the product and the depiction of a man carrying out the questionable act to encourage women to buy the product.

The Board agreed that advertisers are free to use whatever people they choose in an advertisement provided that such use does not amount to discrimination or vilification on the basis of gender and that in this matter the use of men only is annoying rather than discriminatory but is directly relevant to the product 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 original advertisement (ref: 0276/14) to dismiss the complaints and finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.