



# Case Report

1	Case Number	0290/15
2	Advertiser	Berwick Chrysler Jeep
3	Product	Vehicle
4	Type of Advertisement / media	Radio
5	Date of Determination	22/07/2015
6	DETERMINATION	Dismissed

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Occupation

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts a consumer discussing the benefits of purchasing a car at Berwick Chrysler Jeep – specifically, that the dealership provides a female friendly purchase experience for customers. The female voiceover describes car salesmen as 'chauvinistic baboons.'

## THE COMPLAINT

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

*My husband brought this to my attention (I didn't really notice before). The ad is trying to make a point that women shop for cars too and "normal" car salesmen automatically think only the husband can buy a car "properly". And yes, in most cases I agree some car salesmen still believe this. But the way ad describes these car sales men is offensive and just plain rude. The ad uses the term "chauvinistic baboons". It's really unnecessary. And imagine if the gender was flipped and you had a man on the radio describing women in a similar fashion. There would be millions of complaints. I really think this company can sell their product in a better less rude and offensive fashion.*

## THE ADVERTISER'S RESPONSE

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

*2.1 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 race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*The complainant asserts that the description of “car salesmen” in the relevant material is “offensive and just plain rude.” The complaint itself recognises that the statement in question relates to a particular profession (car salespeople), rather than a particular gender. The advertisement itself does not specify whether the salespeople referred to are male or female, and it could be reasonably inferred that the comments relate to salespeople of both genders. Discrimination or vilification based on profession is not specified under Section 2.1 and therefore, we submit, is not a breach of this section of the code.*

*2.5 Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*The complainant has submitted that the term ‘chauvinistic baboons’ is inappropriately strong or obscene. The term in question is not included under the examples of obscene language provided in the AANA Code Practise Notes and is generally regarded as an innocuous term of fairly common use in the Australian vernacular. The complainant has stated that the term is unnecessary, which we submit lacks the requisite strength to be regarded as inappropriate. Any objections under 2.2, 2.3, 2.4 or 2.6 of The Code have not been raised; therefore we submit are not relevant in this instance.*

*In summary, it is common knowledge that female customers at car dealerships at times experience unfavourable treatment from salespeople (see supporting material below). We note that this point is not contested by the complainant. The advertisement in question does not vilify a particular gender; it merely illustrates Berwick Chrysler Jeep’s genuinely commitment to address the behaviour of some car salespeople that is in common observance. Southern Cross Austereo observes that the advertisement is in accordance with all other advertising regulations, including the Code of Practice for Motor Vehicle Advertising. We would respectfully request a prompt resolution of this complaint in favour of our client, Berwick Chrysler Jeep.*

## **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 concern that the advertisement is offensive and discriminatory toward men by referring to them as ‘chauvinistic baboons.’

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

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 that the radio advertisement features a consumer discussing the benefits of purchasing a car at Berwick Chrysler Jeep – specifically, that the dealership provides a female friendly purchase experience for customers. The female voiceover describes car

salesmen as 'chauvinistic baboons.'

The Board noted the complainant's concern that the advertisement is specifically suggesting that men are 'chauvinistic baboons' and more specifically car salesmen.

The Board noted that the sale of cars and other vehicles is often an occupation that people associate as being held by males and that there has historically been a negative association regarding car salesmen and their own preference to deal with men rather than women.

The Board noted that the advertisement refers to the particular car yard - Berwick Chrysler Jeep - as having people who understand that women have a part in the purchase of a car and that they have women as part of their staff. The Board noted that the specific reference to having women on staff is an attempt to combat the negative association that people have about car salesmen and the automotive industry in general.

The Board noted that the female voiceover does refer to visiting a car dealer and that the 'chauvinistic baboons' only want to talk to men and not women about the purchase of the vehicle. The Board noted that the statement is understood to mean that the car dealers are men. The Board noted that the reference to car dealers in this way was a passing comment and was not a positive reference but was a very generalised statement. The Board noted that the advertisement is intended to highlight the difference between this particular car dealership and others as it has female staff and an understanding of what women buyers are looking for. The Board noted that the overall tone of the advertisement is lighthearted and considered that the woman's reference to car dealers as chauvinistic did not amount to a reference that is discriminatory or vilifying on account of gender or occupation and 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 complaint.