



Case Report

1	Case Number	0292/11
2	Advertiser	World Mark Motor One
3	Product	Other
4	Type of Advertisement / media	Radio
5	Date of Determination	10/08/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety within prevailing Community Standards
- 2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience
- 2.1 - Discrimination or Vilification Sex

DESCRIPTION OF THE ADVERTISEMENT

A male voice over introduces himself as Reginald and says he is a herpetologist used to read New Scientist and collect Star Trek figurines. His voice then becomes deeper as he says that since having Octane Tint put on his car he rents a penthouse, has a cocktail named after him and dates Swedish triplets.

Another voice over then says, "Discover your dark side with Octane, the darkest legal tint. Tint a car protects best. Call one three tint."

THE COMPLAINT

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

I object on so many levels!

- 1. It is derogatory to men (and all people) who choose to have a career in science and labels them as 'nerds'.*
- 2. It glorifies pornography and the objectification of women.*
- 3. It encourages consumers to do things that are 'barely legal' and links this message with a sexualised context*
- 4. It has nothing to do with their product!*

THE ADVERTISER'S RESPONSE

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

We have now had an opportunity to review this complaint and the Advertisement. The Advertisement in question is promoting one of our automotive window tints, Octane. Octane is one of our premium products and is promoted by Tint a Car as our coolest, darkest looking window film.

To confirm there was certainly no intention of offending anyone with the use of the Advertisement. The prevailing intention behind the Advertisement was to promote the product in a humorous fashion at the same time as reinforcing how cool our window film can make your car look. As is evident from comparison of the script and the comments made in the complaint, unfortunately it seems that much of the terminology used in the Advertisement has been misunderstood by the listener which has resulted in the comments having been taken out of context.

In response to the description of the Advertisement provided by the complainant we confirm that the Advertisement:

- Explains how he has discovered a whole new side of himself and is designed to be light-hearted;*
- Does not refer to him reading penthouse magazine, but instead to living in a penthouse; and*
- Does not reference that it be "barely legal", but instead as the "darkest legal tint".*

In response to the reason for concerns we confirm that:

- It's not intended to be derogatory in any way, but merely some fun in advertising the product;*
- Further to the above clarification of actual content within the Advertisement, there is nothing in the Advertisement that glorifies pornography or even refers to pornography;*
- Once again further to the above clarification of content within the Advertisement the reference to "barely legal" has been misinterpreted from the statement that it is the "darkest legal tint";*
- The link between the product and the advertisement is a tongue in cheek link implying that having our product applied to your car will make you cool;*
- Under the code you have to treat sexuality with sensitivity and not discriminate or vilify a person on account of sex, the Advertisement was designed as light hearted and tongue in cheek and we do not believe it was insensitive or discriminatory and so does not breach the code.*

Please note that we have been running this Advertisement for nearly 12 months in every state and we have to date not received any complaints with the exception of this single one.

In our view, the Advertisement does not breach any part of section 2 of the AANA Advertiser Codes of Ethics. The Advertisement does not:

- portray men or women in a way which discriminates or vilifies them on the basis of their sex;*
- treat sex, sexuality and nudity without sensitivity to the relevant audience;*
- depict material contrary to Prevailing Community Standards on health and safety.*

Please advise if we can be of any further assistance in this matter.

THE DETERMINATION

The Advertising Standard Board ('the Board') considered whether the advertisement complied with the AANA Code of Ethics ('the Code').

The Board noted the complainant's concerns that this advertisement is derogatory to scientists, objectifies women by glorifying pornography and encourages 'barely legal' activities.

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

The Board first 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that this radio advertisement features a man whose voice has become deeper and whose interests have changed since he put Octane Tint on his car.

The Board considered that the portrayal of the change in a man's interests and vocal range is one which is intended to be humorous and noted that describing groups of people based on their career choice is not an issue which would fall under the provisions of the Code.

The Board noted the complainant's concerns that the advertisement objectifies women as it glorifies pornography. The Board noted that the man says he is "busy entertaining my Swedish girlfriends" and considered that this statement does not glorify pornography. The Board considered that the advertisement makes no reference to pornography and does not contain any content which could be considered to objectify women.

Based on the above the Board determined that, in this instance, the advertisement did not objectify women and did not depict any material that discriminated against or vilified any person or section of society. The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement complied with section 2.3 of the Code. Section 2.3 states: '...shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone'.

The Board considered that the reference to having Swedish girlfriends was not inappropriate.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach Section 2.3 of the Code.

The Board considered whether the advertisement was in breach of 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 the advertisement refers to Octane Tint as being the ‘darkest legal tint’ and considered that as this product is legal, and is legally allowed to be advertised, there is no content of the advertisement which could be considered to be in breach of prevailing community standards on health and safety.

The Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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