



Case Report

1	Case Number	0303/15
2	Advertiser	BP Australia Pty Ltd
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/08/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for BP's premium range of fuels – Ultimate. The ad describes the benefits of BP Ultimate fuels compared to ordinary fuels and shows cars trying to prevent their owners from filling them up with other fuel: windscreen washers spray on a woman, four-way flashers go off and a hub cap repeatedly closes itself to prevent fuel being added.

THE COMPLAINT

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

I found the advertisement offensive because it shows a woman being doused in petrol while she is attempting to refuel her car. Petrol is a highly flammable and toxic substance, and a person could sustain life threatening injuries from petrol poured on them, even without the petrol being ignited. As well, in many parts of the world women have been subjected to violent, often fatal, attacks involving the use of petrol as a weapon against them. In my opinion this advertisement is grossly insensitive, frightening and in poor taste especially for people who have arrived in Australia from countries where such violence is more common. This implied message may also be reinforced as the advertisement also shows a man successfully refuelling his car at the same service station, who does not have petrol doused on him. One could infer that women deserve to be doused in petrol while men do not.

THE ADVERTISER'S RESPONSE

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

Summary

It appears the basis for this complaint concerns a matter which is factually incorrect. The claim states a female character is doused in petrol when in fact the liquid referred to in the complaint was water sprayed from the character's car window washer in a comical fashion.

Description of the advertisement

At the commencement of the advertisement, the character steps out of her car and picks up a fuel dispenser nozzle. As she is about to refuel her vehicle, she is hit in the face with a spray of water in a close up shot which is then widened out to clearly show the water originating from the window washer. At no stage is it inferred that the fluid is petrol. The shot was purposefully designed to ensure it is clear that the fluid is originating from the vehicle's window washer and is present in both the 30 second and 15 second version of the advertisement. The car spraying the character plays into the context of the advertisement, where cars are 'reacting' negatively to a character's attempt to fuel with ordinary fuels. In other instances cars 'react' by closing their fuel cap and setting their alarm and lights off.

BP's review of advertisement prior to release

Prior to the release of this advertisement, BP Australia's (BP) internal legal team and BP business reviewed the advertisement having regard to Australian law relating to advertising and marketing. BP was satisfied that the advertisement complied with Australian law as all product claims could be verified, the 'Voted #1 by cars' was considered puffery in context of the advertisement, i.e. cars taking a stand, and it is ethically acceptable and not misleading or deceptive.

Comments in relation to section 2 of the AANA Code of Ethics

Since receiving this complaint, BP has reviewed advertisement specifically in line with Section 2 of the AANA Code of Ethics and believes it is not in breach of any element of this code. The below sets out each of the elements of Section 2 and BP's response:

2.1 The advertisement does not vilify or discriminate against an individual or any section of the community. In no way does it reference or suggest the discrimination or vilification of the characters appearing in the advertisement due to their race, ethnicity, age, nationality, gender, sexual preference, religion, disability, mental illness or political belief.

2.2 The ad does not employ sexual appeal in a manner which is exploitive and degrading of any individual group of people. All characters within the bounds of the ad are dressed appropriately and do not use innuendo or suggestive language or actions that could be deemed exploitive and degrading. The voice over for the advertisement also does not utilise or infer sexual innuendo. We believe this advertisement does not employ sexual appeal to achieve its aims.

2.3 We believe the advertisement does not portray any violence.

2.4 We believe the advertisement does not contain any sex, sexuality or nudity at all.

2.5 We believe the voice over of the advertisement only contains language which is appropriate for the relevant audience and does not contain any obscene language at all.

2.6 This advertisement does not contain or depict any material contrary to community standards on health and safety. The complaint in question refers to, ‘...a woman being doused in petrol while she is attempting to refuel her car’. This is factually incorrect as the scene depicts the character being sprayed in the face with water from her vehicle’s window washer.

BP believes that the reasonable person will clearly make the connection that the fluid is water from the window washer and is not depicting a scene where a woman is soaked in fuel. It is difficult to see that the spray of water from a car’s window washer in a comical fashion is unsafe behaviour as the complainant has inferred, this is a different situation to the situation the complainant is describing.

As you will appreciate, safety is at the core of BP’s Code of Conduct and is the first of our 5 business values. BP would not consider depicting or inferring any instance in our advertising where a person, male or female, is purposefully doused in petrol. BP is aware of the potential safety consequences of petrol making contact with skin and would not deem this as appropriate advertising and communication to the market.

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 features a woman being doused in petrol which is dangerous and contrary to Prevailing Community Standards on health and safety.

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

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 that this television advertisement features cars trying to prevent their owners from re-fuelling them because it is not BP fuel.

The Board noted the complainant’s concern that it looks as though a woman is being drenched in petrol.

The Board noted the advertiser’s response that the opening scene shows a car spraying water from the windscreen wiper nozzles so that a woman is sprayed with water each time she tries to re-fuel.

The Board noted that there is no suggestion of any person in the advertisement being covered

in petrol and considered that the complainant had misinterpreted the scene showing the water from the windscreen nozzles. The Board considered that the advertisement did not depict, encourage or condone the spraying of petrol on a person.

Overall the Board considered that the advertisement did not depict any material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement 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.