



Case Report

1	Case Number	0312/11
2	Advertiser	Ultra Tune Australia
3	Product	Professional services
4	Type of Advertisement / media	TV
5	Date of Determination	24/08/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

A police officer approaches a vehicle that is rocking back and forth and has steamed windows. The female in the vehicle is trying to release the park brake that is seemingly stuck. He suggests that she call Ultra Tune.

THE COMPLAINT

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

This advertisement aired during family viewing time and was quite distasteful. It was suggestive and alluded to several 'adults only' scenarios from the movie Titanic and a previously aired poor-taste adult product advertisement also featuring Bryan Wenzel. I found the innuendo offensive and am appalled that any organisation even feels that marketing of this type of scenario is in any way relevant to their product. The fact that it was shown during family viewing time shows poor judgement from the network and was really inappropriate for viewing by children.

THE ADVERTISER'S RESPONSE

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

I believe that the complaint is unjustified for the following reasons:

1. Both versions of the advertisement were factored by CAD and given a G rating, therefore is eligible for broadcast in any timeslot.

2. The advisement makes no connection with and is not connected with any previous product advertisement by Mr Wenzel.

We do not believe the commercial breaches Section 2 of the AANA Advertisers Code of Ethics in any way.

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 concerns that the advertisement features offensive innuendo and is inappropriate for viewing by children.

The Board noted the complainant’s concern that the actor in the advertisement has featured in previous adult product advertisements and considered that this is not an issue which would fall under the provisions of the Code as the Board can only consider the current advertisement and not previous work by any actors featured in the advertisement.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone”.

The Board noted that at the start of the advertisement we see a steamed up car which is rocking side to side with a hand pressed against the driver’s window from the inside and that it transpires the female driver is having trouble releasing the handbrake.

The Board noted that whilst there is a degree of innuendo in the advertisement it soon becomes clear that the car is rocking and steamed up because the female driver is having difficulties with the handbrake. The Board considered that the level of innuendo is very mild and is appropriate for the G rating the advertisement received from CAD.

The Board considered that the advertisement did not depict any material which was offensive and that the innuendo contained in the advertisement would be unlikely to be understood by children and is not inappropriate.

Based on the above 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.

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