



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0314/14</b>
<b>2</b>	<b>Advertiser</b>	<b>My Plates</b>
<b>3</b>	<b>Product</b>	<b>Automotive</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Internet - Social</b>
<b>5</b>	<b>Date of Determination</b>	<b>27/08/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Gender

## DESCRIPTION OF THE ADVERTISEMENT

A silver hatchback car pulls up at traffic lights in an urban location. We see the male driver of the car from the inside of the car. There is a pine tree shaped air freshener hanging from the rear view mirror. He starts to shift in his seat uncomfortably and proceeds to pass wind. He appears relieved for a split second, and then appears about to pass wind for a second time. At this point the image freezes and 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.”

After the words “drive it” the campaign logo, a shield motif with the words “manproof.com.au”, and a myPlates’ initiative are superimposed over the man’s face together with the range of new number plates fanned out beneath the shield.

## THE COMPLAINT

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

*It's sexist and derogatory towards men.*

## 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*

*We note that this advertisement has been reviewed previously by the ASB in the context of its broadcast on Free to Air TV (case 0277/14) and all complaints have been dismissed.*

*In relation to this specific complaint we note that the only location online that we have released this TVC is on the myPlates / NSW You Tube channel, and a link has been posted to here on a number of marketing and advertising websites e.g. Mumbrella as a result of their coverage of this campaign. We respectfully submit that the only way to view the TVC in this context is by making a conscious decision to click on the play button.*

*Having made the above notes we submit our previous response to this new 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 passing wind is perfectly normal (see response to section 2.6), and is embarrassing to all only when caught in the act. Furthermore, the act of passing wind 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, thus 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.*

*Flatulence or passing wind / gas or farting is a perfectly natural function of the human body’s digestive system. Excessive flatulence may indicate a medical problem. The study of this area of medicine is termed flatology.*

*From a social and cultural perspective, in many cultures human flatulence is regarded as embarrassing, but depending on context, can also be considered humorous. People may often strain to hold in the passing of gas when in polite company, or position themselves to conceal both the noise and possible accompanying aroma. In other cultures, it may be no more embarrassing than coughing.*

*Whilst the act of passing wind in public is generally considered to be an unfortunate occurrence, it may, especially amongst children and teenagers, be used either as either a humorous supplement to a joke, or as a comic activity in and of itself. The social acceptability of flatulence-based humour in entertainment and the mass media varies over the course of time and between cultures. For example, the “I fart in your general direction” line from the comedy film Monty Python and the Holy Grail has been re-printed multiple times on posters, t-shirts, hats etc.*

*The recent Despicable Me 2 movie (released 2013, and that year’s 4th highest grossing movie in Australia) featured a “fart-blasters” gun, the toy replication of which achieved significant unit sales through K-Mart, Toys r Us, Big W etc...*

*The whoopee cushion is a popular joke device invented in the early 20th century for simulating the act of passing wind.*

*As recently as 2008, a fart app for the iPhone earned in excess of \$10,000 on the first day of release. There are currently over 300 apps available for use on an iPhone that will play a fart sound!*

*The point of this is that flatulence, whilst unpleasant for some to see or hear, is a perfectly natural, human behaviour, and is not harmful to anyone in the majority of 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 0276/14) 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.*

*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. 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 over 3000 requests for the free air freshener that is offered exclusively on the campaign microsite, [manproof.com.au](http://manproof.com.au). Overall traffic to this microsite has been very encouraging.*

## **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 is sexist and derogatory toward men.

The Board viewed 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 the advertisement features a male driver from the inside of the car. The man starts to shift in his seat uncomfortably and proceeds to pass wind. He is relieved for a moment and then appears to pass wind for a second time. The image freezes and 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](http://Manproof.com.au).”

The Board noted that it had previously dismissed the same advertisement on Free TV (case reference 0277/14). The Board noted that while the issue of passing wind is not a subject that is generally discussed or considered acceptable in public, the Board agreed that while many people in the community had viewed the television advertisement and found the depiction of a person passing wind to be vulgar and in poor taste, this issue does not does not breach any specific provision of the Code.

The Board considered that the advertisement is depicting an activity that is a natural body function but one which in Australian society is generally unacceptable in public. The advertisement therefore depicts a man doing something in private (his partner’s car). The Board noted concerns that the advertisement is discriminatory toward men and 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 complainants’ concerns that it is sexist and derogatory toward 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 humorous way of encouraging women

to purchase personalised number plates.

The Board considered that the advertisement was intended to be light hearted and humorous and that there is no suggestion that passing wind is an occurrence exclusive to men. While the advertisement mentions only men, there is not a strong suggestion or implication that it is only men who behave in this manner. The Board considered that, while some people may be offended by the depiction of a man in this way, the advertiser's use of a man is not a depiction that is demeaning or negative.

In the Board's view, the advertisement is a humorous manner of encouraging women to have more feminine number plates and does not amount to a depiction that discriminates against or vilifies men and does not breach section 2.1 of the Code.

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