



Case Report

1	Case Number	0353/14
2	Advertiser	My Plates
3	Product	Automotive
4	Type of Advertisement / media	Print
5	Date of Determination	10/09/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Gender

DESCRIPTION OF THE ADVERTISEMENT

The advertisement that is the subject of this complaint is a DL sized leaflet that has been inserted into a registration renewal reminder sent out by the RMS.

On one side of the insert are printed the words “Tired of that man smell in your car”? together with the manproof shield motif.

On the reverse side of the insert are the words “Man proof your car!” with the motif. This is accompanied with images of some of the plate designs from the “Le Chic” range.

Beneath the images of the plates are the words:

“Revolutionary new number plate designs specifically created to deter men from driving your car. Discover the full range and send a warning to your man by visiting manproof.com.au”.

There are also terms and conditions printed at the bottom of the insert and the myPlates logo.

THE COMPLAINT

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

I object to the ads targeting men as being not acceptable to drive or be in a car because of some unidentified generalised undesirable characteristics ascribed to all men. There are TV ads that generalise about nose picking ascribing this as a characteristic of all men. The flyer received from NSW Roads ascribes a "MAN SMELL" that generalises and includes all men.

There is obvious use of normal Australian satirical humour. I understand the humour. I am

Australian after all. The TV ads for this product have quite a noticeable level of saturation. I received notification for my registration renewal. Opened envelope to read "tired of man smell in your car?" Imagine the outcry if it read "woman" instead of "man". If we are ever to remove the gender competition and achieve true equality the respect has to work both ways. Demeaning men (satirical or not) is not an option in this regard. Very poor selection of advertising content. This add bounces off such adverts like the man who wears sanitary pads on his body and pretends to be a ninja etc. Funny? Yes. Demeaning and counterproductive in attaining gender equality? Yes. If women are to ever have a fair chance at equality the playing field must be even. These ads perpetuate the gender divide.

THE ADVERTISER'S RESPONSE

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

The advertisement that is the subject of this complaint is a DL sized leaflet that has been inserted into a registration renewal reminder sent out by the RMS.

The registration renewal reminders are sent out by mail each month to those motorists in New South Wales whose motor vehicle registration is due for renewal in the next month. MyPlates is regularly allocated a single hopper slot for an insert promoting personalised number plates. On average the number of registration renewal reminders sent out each month is approximately 500,000.

The manproof campaign has been allocated hopper slots for the months of August and September 2014.

With respect to the specific complaint

We note that all complaints reviewed to date by the ASB in reference to this advertising campaign have been dismissed previously on all issues as they relate to the AANA Advertiser Code of Ethics.

We acknowledge that the complainant recognises our attempts to use satirical humour throughout the campaign.

We recognise that the copy contained within these inserts is aimed at female car owners. The timing of these insertions is to follow on from the first three weeks of the TV campaign. Each month, the RMS posts about 500,000 registration renewals. Approximately half of these inserts will be delivered to men, and the other half to women. Unfortunately we are unable to deliver only to female owners of registered motor vehicles in NSW through this channel.

However, the complainant is concerned that this message is demeaning to men, and counter-productive in attaining gender equality. The evidence supplied appears concerned primarily with the use of the word "man" in relation to smell, suggesting that there would be public outcry if we used the word "woman" instead of "man" (presumably if we were promoting number plates for men).

In launching this range of number plates designed to appeal to women, we are levelling the playing field. The vast majority of automotive accessories are marketed almost exclusively at men. A significant amount of automotive marketing is aimed almost exclusively at men.

The message that we are communicating throughout this campaign has been based on some very clear insights: 1) that when men borrow their female partner's car, they invariably fail to return it the way that they found it; and 2) men will think twice about using products that are clearly designed for women – in this case number plate designs that are designed to appeal more to women.

By putting these two insights together we have created a humorous, tongue-in-cheek solution for women who would like to deter their men from driving their cars. There is no intent to be offensive to either men or women in this material.

The campaign has met with high levels of success, and to date we have met or exceeded sales expectations for this new range of number plates.

We submit that this material is not offensive and does not perpetuate or contribute to any pre-existing gender divide that this complainant believes to exist in Australia.

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)

Please see above comments with reference to the specific complaint.

Furthermore, there is nothing in any of our campaign material that states that this number plate designs cannot be bought by men if they so choose. We do not discriminate against any sections of the NSW community who are eligible to buy personalised number plates.

We re-iterate the fact that this campaign is based on genuine insights on the tension that exists between men and women when it comes to shared use of the female's motor vehicle.

We re-iterate the fact that the campaign is designed to be humorous, tongue-in-cheek, and not meant to be taken too seriously.

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 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”.

There is no use or depiction of any material at any point during this advertisement that could be considered contrary to Prevailing community Standards on health and safety.

We respectfully submit that there is no case to answer under this section of the code.

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

towards men in its promotion of a product aimed at women and its suggestion that men 'smell'.

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 that this print advertisement features the text, "Tired of that man smell in your car?" along with images of feminine number plates. The Board noted that this leaflet was received in the mail by the complainants along with their rego information.

The Board noted that this product, number plates directed at women, is legally allowed to be advertised.

The Board noted it had recently considered the TV version of this advertising campaign which featured a man breaking wind in his partner's car (0277/14) where:

"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."

For the current advertisement the Board carefully considered the concept of discrimination or vilification and noted that it is only behaviour that would be considered discriminatory or vilifying that can be found to be a breach under the Code. The Board noted the ASB's Determination Summary on Discrimination and Vilification which provides some guidance on how to determine whether content of an advertisement is likely to breach the Code.

The Board noted that its role is not just to find a breach if there is a depiction which would meet a legal standard on of discrimination or vilification. The Board can also consider the socio-ethical implications and should do so to determine if 'any ethical breaches or risk identified are defensible and worthwhile in terms of the possible meanings of the advertisements to their potential audience'. The Determination Summary then provides some questions the Board can consider.

The Board considered that the advertisement does portray a negative stereotype – that of men being smelly. The Board also noted that the implication is towards men or all men who drive their partners' cars. The Board noted that men are not a disadvantaged or minority population group, but considered that the advertisement does present a negative impression of men.

The Board also considered that the advertisement is intended to be humorous and an attempt to encourage women to purchase personalised 'girly' number plates. The Board noted that images of feminine number plates are also included in this print advertisement and considered that these number plates are exaggerated examples of femininity - extremely high

heeled shoes, lots of love hearts – and that the fine print states that the “Plates displayed are not necessarily for sale”. The Board considered whether the humour of the advertisement overcomes the negative impression of men.

The majority of the Board considered that although the reference is to ‘smelly men’ the humour of the advertisement puts the focus of the advertisement on the girly number plates and outweighs the likelihood of a negative impression being made of men.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender.

The Board determined that the advertisement 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 complaints.