



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
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Case Report

1	Case Number	0364/18
2	Advertiser	Ultra Tune Australia
3	Product	Automotive
4	Type of Advertisement / media	Internet - Social
5	Date of Determination	22/08/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This YouTube advertisement features two women in a convertible approaching a car wash while taking selfies. The passenger places the phone onto the dashboard, above an overloaded electrical console which is sparking. The electrics in the car overload and the roof doesn't go up. The women scream as they go through the car wash with the roof down. A voice over states 'avoid unexpected situations, get your battery checked at Ultra Tune'. The women are shown in a car full of foam and scream again as the foam is blown away.

THE COMPLAINT

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

The advertisements referred to above are in breach of the Code, particularly in light of the AANA Practice Note issued in July 2018

http://aana.com.au/content/uploads/2018/07/AANA_Code-of-Ethics_Practice-Note_July-2018.pdf.

In particular:Section 2.1 (Gender Stereotypes):





The ads amount to discrimination or vilification as they depict (a) less favourable treatment of women (as sexualised, submissive, stupid) and (b) invite ridicule of women (by presenting them as highly sexualised, helpless, stupid).

Section 2.4 (Sex, Sexuality or Nudity):

The ads present the female participants as highly sexualised. The product being advertised (car services) is not related to sexual activities nor does it necessitate the use of sexualised clothing/scantily clad females. The Code clearly states that advertisements which depict women scantily clad are acceptable IF relevant to the product. This is not the case here. The use of provocative clothing and styling is purely used to attract attention to the advertisements and is exploitative.

General comments:

These advertisements appear on YouTube and have also appeared at various times as TV advertisements including during the daytime. This complaint relates to the advertisements in all contexts.

The advertisements and each individually and collectively offensive, out of touch with current community standards, perpetual damaging gender stereotypes and contribute to a culture of violence against women.

I believe some of the ads referred to above have previously been considered by the Panel. I urge the Panel to revisit the ads, together with the additional ones listed above, in light of CURRENT Prevailing Community Standards. This should include consideration of the current 'Respect Women' campaign (<https://www.respect.gov.au/>) including the role advertising plays in perpetuating damaging stereotypes. Perhaps the Panel would like to engage with Our Watch (responsible for the campaign) to understand how campaigns like Ultratune's can formulate negative gender stereotypes and how this feeds into creating a culture in which women are subjected to violent abuse.

As a further example of the Prevailing Community Standards, I refer the Panel to the Change.org petition, which has been created to 'Change Ultra Tune Advertising', with 1,570 people having signed the petition as at today's date, see <https://www.change.org/p/ultraho-ultratune-com-au-change-ultra-tune-advertising>.

To conclude, I do not believe that the Panel, applying the current Prevailing Community Standards and when viewing each ad as a whole (not breaking down each component in order to water down the overall effect) could conclude that these ads are acceptable. They are out of touch with current standards, perpetuate negative and damaging stereotypes and are highly offensive (actually disgusting) to many women.

Thank you in advance for considering my complaint.



THE ADVERTISER'S RESPONSE

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

Advertisements Complaint References 0364/18

We refer to your email letter of 8 August 2018 attaching a complaint concerning Ultra Tune's "car wash" advertisement on its YouTube channel.

The advertisement in question is a 30 second advertisement with two female actors in a motor vehicle that drives into a car wash.

We note the issues raised by your letter (2.1 & 2.4 of the Code) and respond as follows:

The advertisement has come before the Board previously in respect of broadcasts on Pay TV (case no. 236/16) and Free-to-air (case no. 289/16).

We refer to our previous submissions (attached) and the Boards previous decisions in both cases where the Board dismissed the complaints.

In respect of 2.4 of the Code, we further submit that the women are clothed in normal casual wear and their clothing is not the focus of the advertisements.

For the reasons previously submitted and the Board's previous decisions, we do not believe the advertisement breaches AANA Advertisers Code of Ethics in any way.

THE DETERMINATION

The Ad Standards Community Panel (the "Panel") considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainant's concerns that the advertisement depicts women as stupid sex objects and is demeaning and inappropriate.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted that the Practice Note for Section 2.1 of the Code of Ethics provides the following definitions:

Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

The Panel noted that this television advertisement shows two women going through a car wash in a convertible and being unable to put the roof down as the battery has failed as a result of the numerous devices they are charging.

The Panel noted that it had previously considered this advertisement on Pay TV in case 0236/16 in which:

“In the current advertisement the Board noted that although it is the women’s fault that the battery dies – the suggestion being that they have overloaded the battery with charging cables, and that they have not had their car serviced regularly – the women are shown to immediately recognise that there is a problem with their car even though they are powerless to do anything about it.

The Board noted that advertisers are free to use whomever they wish in their advertisements and considered that the use of two women in a car for an automotive product or service is not of itself discriminatory. The Board considered that the women’s’ physical appearance may be considered as sexy to some viewers or exaggerated to others but that this is not of itself vilifying or discriminatory.”

Consistent with the previous determination and considering that the audience on YouTube is likely adults similar to the audience of Pay TV, the Panel 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 gender.

The Panel determined that the advertisement did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states:

“Advertising or Marketing Communication shall not employ sexual appeal:
(a) where images of Minors, or people who appear to be Minors, are used; or
(b) in a manner which is exploitative or degrading of any individual or group of people.”

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of



people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel noted the complainant's concern that the advertisement depicts women as highly sexualised which is unrelated to the product and therefore exploitative.

The Panel first considered whether the advertisement contained sexual appeal.

The Panel considered that the women are shown to be active and communicating with one another, and that this is not a depiction which presents the women as objects or commodities.

The Panel noted that the clothing worn by the women is not clear as the focus is on the car and the women's heads. The Panel noted that in some scenes we can see the top of the women's breasts but considered that their breasts are not the focus of the advertisement.

The Panel acknowledged that some members of the community would find the use of female models to promote an automotive service to be exploitative however the Panel considered that this use of women is not itself a breach of the Code.

The Panel considered that the women in the advertisement were depicted as being in an unfortunate situation, however the Panel considered that this was a humorous depiction rather than degrading, and that the overall manner in which the women are depicted in the advertisement does not degrade or lower the quality of the women in the advertisement, or women in general.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to any individual or group of people.

The Panel determined that the advertisement did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel noted the complainant's concern that the advertisement depicts women as highly sexualised and features them scantily clad.

Consistent with the above, the Panel noted that the clothing worn by the women is not clear as the focus is on the car and the women's heads. The Panel noted that in some scenes we can see the top of the women's breasts but considered that this is not a depiction of nudity or over-sexualised imagery.



The Panel considered that the behaviour of the women in the car is not overtly sexual, and considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience viewing an automotive business's YouTube page.

The Panel determined that the advertisement did not breach Section 2.4 of the Code.

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

