



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0365/18
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 depicts two women returning to their car at night. They notice the car has a flat tyre and then turn to see a group of young men standing near them, one of whom asks if they have car troubles. The actor Jean Claude Van Damme then approaches them and stands between the two women and says, "Big trouble, guys". The men all reach in to their jackets to retrieve something and Van Damme adopts a karate pose as though preparing for a fight but then we see that the men were reaching for their phones to take photos of Van Damme. As Van Damme poses for photos we see one of the women using her phone to contact Ultra Tune then an Ultra Tune employee arrives and asks if they have car trouble.

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 0365/18

We refer to your email letter of 8 August 2018 attaching a complaint concerning Ultra Tune's "Jean Claude Van Damme" advertisements on its YouTube channel.

There are two "Jean Claude Van Damme" advertisements; one 30 second and the other 60 second long. It is unclear which advertisement the complaint is referring to.

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

30 second advertisement

The advertisement has come before the Board previously in case no. 0045/17 and 0203/17.

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

60 second advertisement

The advertisement has come before the Board previously in case no. 0027/18 where the majority of the Board upheld the complaints.

We submit that the minority reasons to dismiss the complaint is more appropriate. The 60 second advertisement was designed to further emphasis dramatic tension build up as a counter point to the happy and jovial resolution (which we note form the bulk over the advertisement; a total of 23 seconds). We submit that this advertisement is only marginally more violent than the 30 second advertisement but well within the realm of an action movie and well below more violent and explicit content available on YouTube.

We do not believe the advertisements 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 portrays women as stupid and in need of rescue by a man, shows women wearing limited clothing with a focus on their cleavage, and has an overall sexualised tone which is offensive and inappropriate, and not relevant to the product.

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 this television advertisement depicts two women returning to their car on a night out to find it has a flat tyre and then being asked by a gang of young men if they are in trouble.

The Panel 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 Panel noted the women are dressed in evening wear which does reveal their cleavages but considered that the clothing is typical attire of some women on a night out and is not of itself inappropriate. The Panel noted that the women’s physical appearance may be considered as sexy to some viewers or exaggerated to others but considered that this is not of itself vilifying or discriminatory.

The Panel noted the complainants’ concerns that the women are depicted as stupid, submissive and sexualised, and invites ridicule of women.

The Panel noted it had previously considered similar complaints this advertisement on Pay TV in case 0045/17 in which:

“The Board noted in the current advertisement that the women realise they have a flat tyre as soon as they return to their car and considered that shortly after Jean-Claude van Damme arrives we see one of the women use her phone to contact Ultra Tune. The Board noted that the women do not ask Mr van Damme for assistance as he just appears and considered that there was no suggestion that the women were not capable of managing the situation themselves and in their view the depiction of one of the women contacting Ultra Tune is suggestive of the women being in control rather than passive observers.”



Consistent with the previous determination, 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.

Overall the Panel considered that the advertisements did 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 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 considered that the women are shown to be active and communicating with one another, and wary of the situation. The Panel noted that although Jean-Claude van Damme appears, the women are not depicted as being rescued or leaving with him and that this is not a depiction which presents the women as objects or commodities.

The Panel noted that the two women are wearing clothing which is tight and reveals their legs and cleavage, clothing which is often worn by young women in Australia, and considered that in this instance although the women’s breasts are enhanced by their choice of clothing the women are wearing, 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 in an unfortunate situation, however the Panel considered 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 and 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.

The Panel noted that the women are wearing evening wear which accentuates their breasts and considered that their nipples are not visible and the level of nudity is very mild.

The Panel noted the complainant’s concern that the advertisement has a sexualised tone but considered that while the appearance of the women is sexy their behaviour is not sexualised.

The Panel considered that overall the advertisement depicted two women wearing revealing clothing but did so in a manner that minimised the sexual impact of the advertisement and in the Panel’s view 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.

