



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0366/18
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 three women in a vehicle which swerves to miss a tiger on the road. The women crash the car. Mike Tyson appears and helps them move their car. The Ultra Tune van arrives to offer assistance.

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 0366/18

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

The advertisement in question is a 30 second advertisement where a motor vehicle swerves to avoid a tiger on the road and then meet Mr Mike Tyson.

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 Free-to-air (case no. 0026/18) and Pay TV (case no. 0029/18).

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

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 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 advertisement features three women in a car when one of the women spots a tiger on the road. The driver swerves and their car becomes stuck. The driver uses their phone to contact Ultra Tune before being rescued by Mike Tyson



who is looking for his pet tiger.

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 about this advertisement on Pay TV in case 0029/18 in which:

"The Board noted that in the current advertisement the women are shown to have an accident after swerving to miss a tiger. The Board considered that, unlike case 0020/16, the women are aware of their situation and they contact Ultra Tune for help. The Board also considered that in the current advertisement the driver swerving was a natural reaction to a situation outside of the women's control, and was not a suggestion that the women were stupid or unable to drive. The Board noted that swerving to avoid an animal is not recommended driver behaviour, but considered that the advertisement did depict a reaction that was not unnatural."

Consistent with the determination in case 0029/18, the Panel considered that while some members of the community may not like women being shown as being 'rescued by a man', the women are not depicted in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule of women. In the Panel's view the current advertisement does not discriminate against or vilify 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 are shown to be calling for help as Mike Tyson appears. The Panel noted that although Mike Tyson 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 women are dressed as if to go to a hens party or costume party and that their outfits were sexy but not overly revealing. The Panel considered that, consistent with previous determinations in cases 0042/16 and 0045/17, whilst it is not necessary for the women to be wearing sexy costumes their clothing is not unusual attire for young women attending a costume party and the women’s physical features are not the focus of the advertisement. The Panel considered that there is no undue focus on the women’s bodies and in their view it is not exploitative to use women in an 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 they were shown to be not at fault, and that this was a humorous depiction rather than degrading. 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 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 in the current advertisement the women are dressed as if to go to a hens party or costume party and that their outfits were not overly revealing.

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 three 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.

