



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0375/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Wicked Campers</b>
<b>3</b>	<b>Product</b>	<b>Professional Service</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>Transport</b>
<b>5</b>	<b>Date of Determination</b>	<b>12/09/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Religion
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

Camper Van, registration number UMN 904. Slogan on the back reads, 'If God was a woman would sperm taste like chocolate?'

### THE COMPLAINT

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

*Enclosed is a photograph of one of the many 'Wicked' company vans that travel our roads. I find the text on them sacrilegious and offensive.*

### THE ADVERTISER'S RESPONSE

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

*The Advertiser did not provide a response.*

### 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 complainant’s concerns that the advertisement is sacrilegious and offensive.

The Board viewed the advertisement and noted the advertiser had not provided a 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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted that a copy of the advertisement had been provided by the complainant and that the advertisement contains the statement, “If God was a woman would sperm taste like chocolate?” written across the back of a Wicked camper van.

The Board noted the complainant’s concern that the advertisement is sacrilegious and considered that whilst the use of “God” in the same sentence as the word “sperm” would be considered offensive by members of the community with strong religious beliefs, in the Board’s view the use of “God” in this instance is in the context of a commonly posed opening statement and that it does not make any derogatory statement about religion or religious beliefs.

The Board considered that the reference to God in the advertisement does not of itself amount to a reference to religion which would be considered to discriminate or vilify against any religion or religious beliefs.

The Board noted that a similarly worded advertisement had been upheld in 2008 (ref 237/08) where it was found to be demeaning to women. The current Board noted that in this instance whilst the suggestion that women would want sperm to taste like chocolate is tasteless it does not breach the provisions of the recently updated Code of Ethics.

Based on the above the Board determined that, in this instance, that the advertisement did not depict material that discriminated against or vilified sections of society.

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

The Board 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 Board noted that the advertisement makes reference to sperm tasting like chocolate and considered that this statement clearly refers to a sexual act. The Board noted that the advertisement would be available to a broad audience including children and considered that a reference to a sexual act is not appropriate in this instance.

The Board considered that the advertisement did not treat sex, sexuality and nudity with sensitivity to the relevant audience and did breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Board discussed the findings of recent research conducted by the Advertising Standards Bureau around testing of Board decisions against broader community views and noted that the research indicated that the community is very concerned about matters around language, particularly where children may view that language. The Board noted that as the advertisement appears on a vehicle, it could be seen by children.

The Board noted that it had previously dismissed complaints regarding the use of the word “vagina” in an advertisement (ref 0305/12) where it found that the word vagina was used in the context of a sanitary product and that the advertisement had been targeted at the appropriate audience for the product. The Board considered that in this instance the word “sperm” is used in a manner which is not relevant to the advertised product, Wicked Campers, and that it is being used in association with a sexual act and in a manner which most members of the community would consider inappropriate and offensive.

Based on the above the Board determined that the advertisement used inappropriate language and that it did breach Section 2.5 of the Code.

Finding that the advertisement did breach Sections 2.4 and 2.5 of the Code, the Board upheld the complaint.

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#### **ADVERTISER RESPONSE TO DETERMINATION**

This has since been removed from our van.