



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0375/18
2	Advertiser	Mercedes-Benz Aust/Pacific P/L
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.4 - Sex/sexuality/nudity S/S/N - sexualisation of children

DESCRIPTION OF THE ADVERTISEMENT

The advertisement opens with the new A-Class driving through European-inspired streets. The scene shifts to a stationary A-Class overlooking a city at night with a couple sitting in the backseat. The adult female adjusts a setting on the new touchscreen, and returns to the back seat, where the couple continue kissing. The story continues to show other new features of the vehicle, such as the active brake assist and new exterior angle shots. It ends with the new A-Class driving at night out of the city, and the voice over stating, "The all new A-Class. Just like you."

THE COMPLAINT

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

Sexual nature of advertisement during a child friendly tv show - a couple sitting in the back seat of car, kissing, making out

Indecorous behaviour, minors in a car kissing in an appropriate way.



THE ADVERTISER'S RESPONSE

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

Mercedes-Benz Australia/Pacific Pty Ltd (MBAuP) has created a campaign with the headline 'The all new A-Class. Just like you' to communicate the message that the exciting all new A-Class hatchback is a car suitable for all kinds of personalities.

During the production and prior to the publication of the advertisement, MBAuP considered the FCAI Code for Motor Vehicle Advertising as well as the AANA Code of Ethics (the Codes) to ensure that the Advertisement does not breach the Codes. Following review of the Advertisement, MBAuP was comfortable that the Advertisement did not in any way breach the Codes.

MBAuP has reviewed the Complaint and strongly disagrees with the concerns that the Advertisement is inappropriately sexual in nature and that it depicts minors in a sexual nature.

The Advertisement does not imply, insinuate or portray any images of an individual suggesting sexualisation of children or nudity. The advertisement features images of the vehicle and the lifestyle that young, modern consumers live to support a product launch message and position the A-Class as a youthful, energetic and relevant brand/vehicle.

The Complaint is based on a depiction of sexualisation of children/ nudity/ sexual activity (section 2 of the AANA Advertiser Code of Ethics) however the advertisement does not include footage of an individual engaging in or promoting, or directly encouraging such acts, and accordingly the Advertisement does not breach the Codes.

Responses to the specific codes under section 2 of the AANA Advertiser Code of Ethics:

2.1 Discrimination or vilification: The Advertisement does not portray or depict material in a way in which discriminates a person.

2.2 Exploitative or degrading: The Advertisement does not employ sexual appeal with images of minors. The actors used in the Advertisement are clearly young adults of consensual and driving age. There is no footage in the Advertisement to suggest that the actors used are minors rather, the inference is that they are adults who own and/or drive the new Mercedes-Benz A-Class. Furthermore, the Advertisement does not in any way use sexual appeal in a manner which may be considered exploitative or degrading to any individual or group of people.



2.3 Violence: The Advertisement does not present or portray violence.

2.4 Sex, Sexuality and Nudity: The Advertisement does not include sex or nudity. The scene in the Advertisement depicting a young couple kissing in the back of the vehicle is not highly sexual, inappropriate and certainly not in contradiction to Prevailing Community Standards.

2.5 Language: The Advertisement does not use strong or obscene language.

2.6 Health and Safety: The Advertisement does not depict material contrary to Prevailing Community Standards on health and safety.

2.7 Distinguishable as advertising: The Advertisement is easily recognised as Mercedes-Benz advertising with the use of a voice over introducing 'the all new A-Class' within the first 5 seconds and repeats the 'all new A-Class' numerous times throughout. The Advertisement is scheduled to air during typical TV commercial breaks so there could not be any uncertainty that it is advertising.

MBAuP is a responsible advertiser and takes the Codes into consideration during any marketing planning and production process.

MBAuP confirms that the Advertisement will not air during the Channel 7 show Little Big Shots.

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 complainants' concern that the advertisement sexualised children.

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

The Panel noted that this advertisement features a series of scenes set inside and outside of the vehicle being advertised, including a scene of a young male and female kissing in the backseat of the car.

The Panel then 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 complainants' concern that the advertisement depicts minors



kissing in an inappropriate way.

The Panel noted the advertiser's response that the young couple in the back of the car are adults.

The Panel considered that while the actor's ages are not clear they are at least of driving age and considered that the depiction of two older teenagers or young adults kissing was not a depiction which was overly sexualised or inappropriate for the relevant audience.

The Panel noted that it had previously considered a similar advertisement in Case 0196/18 in which:

"The Panel noted that the advertisement depicts a couple kissing on a bed. The boy is in boxers only and the girl is in underpants and a t-shirt. The couple realise the girl's parents are coming and jump off the bed. The boy removes chewing gum from the pocket of the jeans and places a piece in his mouth. The door opens to reveal the girl's parents, while the boy is still clad in only boxers.

The Panel considered that the level of nudity in the advertisement was not explicit, and noted that both actors' genitals are covered and the girl's breasts are not visible. The Panel considered that the situation in the advertisement was a reflection of reality and a mild suggestion of sexual activity.

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

Similarly, in the current advertisement the Panel considered that the situation in the advertisement was a reflection of reality and contained only a mild suggestion of sexual activity.

In the Panel's view the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant broad audience and that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.

