



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

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0388-19</b>
<b>2. Advertiser :</b>	<b>Bayswater Car Rental Pty Ltd</b>
<b>3. Product :</b>	<b>Automotive</b>
<b>4. Type of Advertisement/Media :</b>	<b>Radio</b>
<b>5. Date of Determination</b>	<b>27-Nov-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This radio advertisement is for No Bird Car Rental and the voiceover states:

F1: This is a no birds rental.

SFX: (Car door closing)

F1: Reliable...very practical...  
But not what you'd call sexy.  
Our rates though...

Music: (striptease music kicks in)

F1: That's a different story.

You can rent a RAV4 for a very revealing \$34 a day.

M2: TAKE IT OFF!

F1: Not low enough?

Okay...let's strip that down to a skimpy \$17 a day for a Corolla.

SFX: (wolf whistle)

M2: OH YEAH!

F1: Now that's sexy.  
Book yours at nobirds.com.au.

### THE COMPLAINT

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



*The ad has a 'sexy' female voice talking about 'taking it all off' with 'sexy' music in the background. Also in the background are men's voices saying "take it off" and similar. It is clearly using strippers as a method for selling cars, which contributes to the ongoing objectification of women in the media. I find this offensive and am sick and tired of seeing and hearing this type of advertising.*

## **THE ADVERTISER'S RESPONSE**

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

### *Background*

*No birds is a low cost hire car company based in Perth and Sydney. The brand is irreverent, and doesn't like to take itself too seriously.*

*This ad is part of a broader campaign promoting no birds rental cars and it's no frills approach to business and the low prices they offer. The idea is to promote the prices as being sexy, when compared to their cars which are all plain white, simple and reliable. This has led to us to the campaign line of – our cars aren't sexy, but our prices are.*

### *Who the ad is targeting and why is it appropriate*

*The campaign is appealing to a car renter who is less worried about the type of car they are getting, they are price driven and just want a car that is clean, reliable and cheap. Our demographic target fitted the profile of KISS FM better than other stations.*

### *The ad itself*

*The intention of this ad, as part of that broader campaign, was to play against the stereotypically sexist genre, by playfully making the price the subject of objectification (as evidenced by the rest of the campaign). It was not the intention to 'use strippers to sell cars' as the complaint suggests.*

*Upon reflection, whilst we still believe in the ad and its intention, given a complaint has been made we will ensure we re-familiarise ourselves with the Codes and Compliance through training from the Communications Council, of which we are a member.*

## **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 concern that the advertisement clearly references strippers to sell cars which contributes to the ongoing objectification of women.

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



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 considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006). The Panel considered the advertisement did not contain sex.

The Panel considered whether the advertisement contained sexuality. The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that the advertisement features a man calling out ‘take it off’, wolf-whistling and a woman talking about prices being ‘revealing’, ‘skimpy’ and ‘sexy’. The Panel considered that while the advertisement is referencing prices and not a person, the language in the advertisement could be considered a recognition or emphasis of sexual matters. The Panel considered that the advertisement did contain sexuality.

The Panel then considered whether the advertisement contained nudity. The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed’ and ‘without clothing or covering’ (Macquarie Dictionary 2006). The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is a factor when considering whether an advertisement firstly contains nudity. The Panel considered that this was a radio advertisement and that this did not contain nudity.

The Panel then considered whether the advertisement treated the issue of sexuality with sensitivity to the relevant audience.

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.’

(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel noted that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ is a concept requiring them to consider who the



relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestions is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted the advertisement was heard on the radio around 10am and considered that the relevant audience would be broad and may include children.

The Panel considered that the wording in the advertisement was clearly in relation to attractive prices and was not referencing a person. The Panel considered that the sexualised language was mild and that the most likely interpretation of the language was that people would get excited about the deals available. The Panel considered most young children would not understand the sexual references in the advertisement.

The Panel noted that it has consistently determined that advertisements which use mild sexual reference, where a non-sexualised explanation of the meaning would be taken away by children, do treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience (0197-18, 0001-19).

The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and 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 complaint.