



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0430/18
2	Advertiser	Wicked Campers
3	Product	Travel
4	Type of Advertisement / media	Transport
5	Date of Determination	10/10/2018
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Religion
- 2.3 - Violence Cruelty to animals
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

Wicked Van with slogan on the back - "Every time you masturbate God Kills a kitten".
Rego is 1CWZ 736 (WA)

THE COMPLAINT

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

God does not Kill . It is slandering people's God . It is a gross misrepresentstion of religion . It is private sex talk that shouldn't be on cars for a start.

THE ADVERTISER'S RESPONSE

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





Advertiser did not provide a response.

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 slogan on the vehicle was discriminatory towards religion and was too sexualised to be on a vehicle.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

The Panel noted that this advertisement features the slogan, "Every time you masturbate God kills a kitten" on the back of a Wicked Campers van.

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 the Practice Note to Section 2.1 provides the following definitions:

Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel considered that the use of the word 'God' in conjunction with a statement that has no basis in theology does not of itself constitute discrimination or vilification of religion. The Panel acknowledged that many members of the community have religious beliefs, however considered that the phrase is clearly satire and reasonable members of the community would not interpret it as a fact.

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 religious views and determined that the advertisement did not breach Section 2.1 of the Code

The Panel considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".



The Panel considered that the slogan is not a call to action and is merely an attempt to draw the attention of the community. The Panel noted that the slogan does not condone violence.

The Panel considered that the advertisement did not present or portray violence and did not breach Section 2.3 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 that as the advertisement is on the back of a motor vehicle the relevant audience is likely to be broad and include children.

The Panel noted the complainant's concern that the advertisement contains a sexual reference which is inappropriate for a broad audience that would include children. The Panel noted the direct reference to masturbation and considered that this is an explicit reference to a sexual act. Consistent with previous determinations in cases 0170/14, 0486/15 and 0352/18, the Panel considered that this reference to a sexual act would be considered inappropriate by most members of the community in the context of an outdoor advertisement.

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

The Panel 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 Panel noted that the word 'masturbate' is a reference to a sexual act. The Panel acknowledged that masturbate is the correct word for a solo sexual act and considered that it is not a word which should be considered strong or obscene, however noted that it was not used in an educational or medical context in this advertisement. The Panel noted however that most members of the community would agree that the word masturbate is not appropriate language when used in the context of a slogan on the back of a moving vehicle able to be seen by a broad audience which would include children.

The Panel determined that the advertisement did breach Section 2.5 of the Code.



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

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Panel's determination. Ad Standards will continue to work with the relevant authorities regarding this issue of non-compliance.