



Case Report

1	Case Number	0468/17
2	Advertiser	Holden Ltd
3	Product	Vehicle
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/11/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The campaign, titled “Best of Both” alternates between day-to-day scenarios whilst a voice over narrates to the same effect. Both individuals and families are featured in the advertisement. The advertisement shows a female landscaper loading a ladder into the back of a Colorado and then taking a surfboard out of her Colorado as she heads toward the water.

THE COMPLAINT

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

How does that sell cars? Its degrading and there are not ads that show men's arses all over tv. How are women ever going to be treated equally? When they are objectified to sell cars? In a time where women fight so hard for rights and where sexual assaults and harassments are on the rise why is this kind of advertising allowed? Take the last scene out and it would be a great ad.

*Unnecessary. Surfer could have been wearing appropriate bathers so children can watch without a parent having to explain what she's wearing.
Advertisement was for a vehicle.*

THE ADVERTISER'S RESPONSE

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

We refer to your letter), enclosing a complaint (Complaint) received in relation to Holden's 'Holden Colorado. Best of Both' advertisement for the Colorado (Advertisement).

Holden takes its legal responsibilities under Competition and Consumer Act, AANA Advertiser Code of Ethics and the Federal Chamber of Automotive Industries (FCAI) Voluntary Code of Practice for Motor Vehicle Advertising very seriously. Further, Holden adheres to the Commercial Acceptance Division (CAD) pre-approval process to ensure approval classification before the commercial is aired. This reflects Holden's robust commitment to complying with advertising, workplace and motor vehicle safety regulations.

The Complaint

The Complaint relates to Holden's 30 second TV Commercial (TVC) for its Holden Colorado as aired at the time and place described by the Complaint. The TVC can be viewed here:

https://drive.google.com/file/d/0B__SsfoQ93BbUXhmSGU1cVVvVkk/view

The Complaint raises concerns as to the appropriateness and necessity of the swimwear worn by the female surfer in one of scenes in TVC (the "Scene"). It is suggested that the swimwear bared too much of the Surfer's bottom and thus was unnecessarily sexual and inappropriate for family/children viewership.

The Advertisement

The subject campaign, titled "Best of Both", is designed to highlight the versatility of the Holden Colorado for all lifestyles. The Advertisement visually alternates between juxtaposing day-to-day scenarios whilst a voice over narrates to the same effect. Both individuals and families are featured in the Advertisement as a testament to the wide appeal and possibilities of the Holden Colorado. The overall intention was to capture an authentic representation of everyday Australians which would resonate with the larger public.

The scenes, in order of appearance, are:

- Colorado driving through the city*
- Man driving to the pier*
- A couple loading their bikes into the back of a Colorado in the day*
- The same couple loading their bikes later that night whilst covered in mud.*
- A mother playing music to help her kids fall asleep*
- Colorado towing a tractor down a road*
- Colorado towing a boat along the beach*
- A suited man making a hands free call with Apple Carplay*
- A female landscaper loading a ladder into the back of a Colorado*
- A female surfer (Surfer) taking a surfboard out of her Colorado.*
- Various shots of the Colorado driving in different locations*
- The Surfer running towards the water, leaving her bright red Colorado on the beach.*

Relevant legislation and regulations

The relevant laws and standards relating to the complaints are as follows:

- 1. The AANA Advertiser Code of Ethics (Code); and*
- 2. The AANA Advertiser Code of Ethics (Practice Notes).*

The Complaint is made pursuant to Section 2.4 of the Code which states that advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Applying Section 2.4 of the Code of the Advertisement

It is Holden's position that the Advertisement does not breach Section 2.4 of the Code for the following reasons:

- The Surfer is wearing a rash vest and bikini pants - this represents typical surfing attire for women. In fact, the Surfer was asked to bring to the shoot swimwear she would usually wear to surf and would feel comfortable in. This was both necessary to ensure practicality in surfing and adherence to our artistic vision— to keep the Advertisement authentic and believable. As with all other scenes, we required all attire worn to realistically reflect the activity being depicted on screen.*
- The degree of bottom and leg exposure is not atypical of what is seen at public beaches or pools; all private areas are appropriately covered. Contrary to the Complaint, the overall outfit is not “skimpy” but representative of community tastes in swimwear. It is our strong view that the Scene is both authentic and tasteful, and certainly in no way gratuitous, demeaning or below community standards. Further the use of a rash vest goes further than what might be typically seen at public beach or pool. We note the Board has previously dismissed complaints around advertisements depicting women in mildly revealing outfits provided they are consistent with popular attire adopted by the community at the time.*
- The Practice Notes state that images of women in bikinis are permitted except where they are in sexually suggestive poses, or where there is a clear sexual innuendo from the ad. Accordingly, the depiction of the Surfer in her swimwear cannot be in breach of the Code as the Scene lacks any sexual or suggestive tone, noting also that the Surfer is wearing rash vest. The activity of running toward water at the beach (in wide frame) is something enjoyed by people of all ages and is entirely innocuous. Whilst it is regrettable the complainant has taken offence, the swimwear worn and the overall Scene is highly unlikely to be considered sexualised by members of the community.*
- Although the bikini pants have inadvertently revealed part of the Surfer's bottom, this is not the focus of the Scene. The focus point of the Scene is intended to be the red Holden Colorado and the pricing and warranty information as displayed in large white font. The Surfer's purpose in the Scene is to emphasise the location surrounding the red Holden Colorado.*

While we respect the personal opinions of the complainant, Holden strongly believe that the Advertisement is in full compliance with the AANA Code of Ethics. Holden is a well-loved and respected brand in Australia. Its customers come from all walks of life and includes families with children. Consequently, Holden is always cautious to treat sex, sexuality and nudity with sensitivity in its advertising and marketing communications; we do not believe the Advertisement in contention has been any exception. The Advertisement was reviewed by our internal Legal team as well as by the Commercial Advice Pty Ltd (CAD) prior to airing. We therefore request this complaint be dismissed.

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 complainants’ concerns that the advertisement depicts an image of a woman that is objectifying and inappropriate.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement complied with Section 2.2 of the Code which states, “Advertising or Marketing Communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the advertisement features a female landscaper loading a ladder into the back of her vehicle (Colorado) and then later taking her surf board out of the same vehicle. There are scenes of people loading and unloading mountain bikes, towing farm equipment and a boat and driving through a shallow water crossing and in the cattle yard. The voiceover describes people’s lifestyles and reasons for choosing the Colorado. The text appears on screen “Holden Colorado – best of both.”

The Board noted the complainants’ concerns relate particularly to the depiction of the woman in the advertisement and the focus on her bottom as she runs toward the water with her surf board.

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - purposefully debase or abuse a person for the enjoyment of others, lacking in moral, artistic or other values

Degrading – lowering in character or quality a person or group of people.

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that the woman is presented in a manner which is clearly intended to show the contrast between her work life and her hobby or activities outside of work namely surfing. The Board noted the advertiser’s response that the advertisement is intended to highlight the “versatility of the Holden Colorado for all lifestyles.”

The Board noted that the activity of the woman both in her work and outside work – surfing- are realistic depictions of everyday activities. The Board considered that overall the advertisement was balanced in the portrayal of everyday people and the portrayal of the woman in her surf gear was not the focus of the advertisement and did not linger unnecessarily on what the woman was wearing or on her body. The Board considered the advertisement did not purposefully debase or abuse a person for the enjoyment of others and did not present the woman in a manner which could be considered exploitative and degrading.

The Board determined that the advertisements did not employ sexual appeal in a manner which is exploitative and degrading and did not breach Section 2.2 of the Code.

The Board 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 Board noted the complainant’s concerns that the depiction of the woman wearing skimpy bathers was not appropriate for viewing by children.

The Board noted it had considered similar complaints regarding a Bonds advertisement (0363/12) where close-up images of groin areas were shown. In that case the Board noted that

“...the manner in which the underwear is presented in the advertisement is not sexualised and is not inappropriate. The Board noted that all the models in the advertisement, both male and female, are wearing the underwear in a manner which does not expose any of their private areas and considered that the advertisement did not contain any inappropriate nudity.”

Similarly in this case, the Board considered that during the progression to the ocean, there is footage of the woman’s bottom, but considered that the manner in which the woman is presented is not sexualised and not inappropriate as she is depicted in attire that would commonly be worn by surfers and seen on people at the beach. The Board noted that the woman is wearing the swimwear in a manner which does not expose any of her private areas and considered that the advertisement did not contain any inappropriate nudity.

The Board considered that the advertisement did treat the issue of 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 the Code on other grounds, the Board dismissed the complaints.