



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0469/16</b>
<b>2</b>	<b>Advertiser</b>	<b>Motor Accident Commission SA</b>
<b>3</b>	<b>Product</b>	<b>Community Awareness</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/11/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- Other Other - miscellaneous
- Other Social Values
- 2.1 - Discrimination or Vilification Lifestyle Choices
- 2.1 - Discrimination or Vilification Physical Characteristics
- 2.1 - Discrimination or Vilification Religion

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts The Hairy Fairy – a bearded man in a tutu – sitting in a forest surrounded by white rabbits. He speaks about speeding leading to ‘hairy’ situations. He appears in the back of a man’s car and describes him as a normal driver obeying the speed limit. A car is seen to be going faster than the man’s car and the Hairy Fairy appears in the backseat of the speeding vehicle. He says “when you go over the limit, things can get hairy”, and lifts the tutu towards his face. He then appears in the backseat of the car in front of the speeding vehicle and encourages the woman driving not to speed just because there is a car close behind her. When she stays at the speed limit the Hairy Fairy says “Hooray” and lifts up his tutu in celebration. A car is then shown speeding down a rural road. The Hairy Fairy appears in the backseat of the car and encourages the man driving not to make things ‘hairy’ by speeding to get home faster.

### THE COMPLAINT

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

*The tutu fairy as depicted in the ad is very like the religious portrayal of Jesus as the Good Shepherd in the Christian belief. I find it very disrespectful to use this image and add the tutu. There must be other images they could use.*

*I'm offended as for years I have been subject to ridicule for being a hairy guy and this ad is playing on the general public's dislike of hairy guys. I feel the whole campaign utilises people's dislike of hairy guys to reinforce a speeding message which has nothing to do with speeding. Its degrades and reinforces the public dislike of hairy people. No ad should degrade any person.*

*The adverts depict men as big fairies who lift their skirts to expose themselves if they speed or upset their other half with bad driving habits. Both sets of adverts make me cringe. The ads would never see the light of day if they were about female drivers, so I demand both sets of adverts be withdrawn from screens from now. Please feel free to contact me at any time to discuss this further with me.*

*In this complaint I refer to section Section 2.1 of the Australian Association of National Advertisers Code of Ethics:*

*Advertising or Marketing Communications shall not portray people 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 Hairy Fairy is a presumably cisgender man wearing a pink tutu and is, from my understanding, intended to bring comic relief to the serious community message of speeding reduction. I object to the advertising on the basis of it relying on the trope of a man wearing a skirt as a point of absurdity. It encourages the audience to laugh at this image and in turn belittles, and encourages discrimination against, gender diverse people, particularly trans women and trans feminine people. The trans and gender diverse community is one at high risk of being subjected to violence, discrimination in social and professional domains, and higher rates of mental illness and other health outcomes as a result. It does not need further normalising of trans misogynistic sentiments. Such disrespectful and insensitive advertising diminishes the credibility of the MAC of SA, alienates an entire demographic of its target audience, and has real world negative outcomes for trans and gender diverse people. I ask that this advertising campaign be reviewed, discontinued, and that an apology be issued by the Motor Accident Commission of South Australia.*

*Quite distasteful !!*

## **THE ADVERTISER'S RESPONSE**

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

*Speed management is of primary concern to the global road safety community.*

*Speed is a critical factor in every serious crash, and was identified as a contributing factor in an estimated 30% of fatal crashes in South Australia in 2015.*

*Reductions in average travel speeds has been identified as the most effective and swift way to reduce road trauma. As such it is critical that road users recognise the risks of exceeding legal speed limits and comply with them.*

*At the same time however, research undertaken by MAC identified a prevailing view amongst the South Australian community that speeding (other than high level speeding or hooning) was considered a relatively small infraction, of low risk and extremely common. This lack of engagement with the issue makes it particularly challenging to address.*

*Due to the imperative to increase speed compliance, to attack the perception that speeding was normal and draw attention to subject matter treated with apathy, MAC undertook to put to market an attention seeking education campaign that highlighted the risks of exceeding the speed limit by even small amounts and encouraged people to stick within speed limits.*

*The campaign has received a number of complaints to the Advertising Standards Board. This response seeks to address them holistically under the relevant Sections of the Advertiser Code of Ethics. Specifically;*

#### *2.1 Discrimination or Vilification Lifestyle Choices*

*Television – depiction of a male dressed in a skirt*

#### *2.1 Discrimination or Vilification Physical Characteristics*

*Television – relating ‘hairy’ to danger*

#### *2.1 Discrimination or Vilification Lifestyle Choices*

*Television – depiction of a male dressed as a fairy*

#### *2.1 Discrimination or Vilification Religion*

*Television – depiction of Jesus in a tutu*

*Your advice also asks us to address all other sections of the Advertiser Code of Ethics.*

*With regard to the AANA Code for Advertising and Marketing Communications to Children:*

*The commercial does not target children under the age of 14. It targets People 16-54 who do not believe speeding is an issue.*

*With regard to the remaining sections of Section 2 of the Advertiser Code of Ethics:*

#### *2.2 - Exploitative and degrading*

*The commercial does not employ sexual appeal in any manner.*

#### *2.4 - Sex, sexuality and nudity*

*There is no depiction of sex, sexuality or gratuitous nudity in the commercial.*

#### *2.5 – Language*

*There is no language that could be considered strong or obscene in the commercial.*

#### *2.6 - Health and Safety*

*The commercial does not depict any unsafe behaviour, other than the low level speeding the campaign seeks to address.*

*The character of a male fairy is not unique to this campaign. We have used the image to present the “Hairy Fairy”, a likeable fictional character designed to bring attention to the important issue of low-level speeding. The Hairy Fairy appears in drivers' cars whenever things become potentially unsafe, or hairy, on the road. He is a positive character who provides encouragement to people to drive within the speed limits, positive reinforcement when they do so and challenges the notion that speeding is normal.*

*We respect and acknowledge that people will have different points of view toward the campaign. It was not our intention to cause offence to any members of the community. It is also our charter to reduce death and serious injury on our roads. As such, it is MAC's position that advertising that cuts through, engages with and challenges our key target audiences in an effort to change their attitudes and behaviours is both appropriate and necessary. As we do so it is unfortunate that this sometimes brings discomfort to those outside our immediate target audience.*

*With regard to the specific complaints;*

#### *2.1 Discrimination or Vilification Lifestyle Choices*

*The complainants believe that the depiction of the Hairy Fairy ridicules transgender people and normalises trans-misogynistic discrimination in the community.*

*It was not our intention to offend or ridicule transgender people. The Hairy Fairy is not intended to be a depiction of a male in a skirt, but a depiction of a fairy. The notion that there is ‘nothing normal about speeding’ refers to the prevailing attitude that ‘everyone speeds’ and is not intended to contrast with his appearance suggesting there is nothing normal about a man in a tutu.*

*The use of a pink tutu to bring levity to an otherwise serious issue has been used to good effect with The Tutu Project, a movement for raising awareness of breast cancer. Men are encouraged to don a tutu for a cause, bringing a little light-heartedness to an otherwise serious social issue.*

*<http://thetutuproject.com/tutuprograms/dare2tutu-breast-cancer-fundraiser/>*

*We do not believe that any element of the campaign contains any comments or statements of ridicule or behaviours that could be considered negative judgements of transgender people. Indeed, he is depicted as a positive role model, providing moral support and encouragement for people to do the right thing and positive reinforcement when they do so.*

#### *2.1 Discrimination or Vilification Physical Characteristics*

*The complainants believe the depiction of hairy backs and the notion of ‘hairy’ denoting danger discriminates against hairy men and encourages ridicule.*

*It was not our intention to offend hairy men.*

*The billboard is designed to be humorous, attract attention, be memorable and create “talkability” around the issue of speeding. It is worth noting that the models recruited for*

*this execution were very happy to have their unique characteristics on display for an important road safety message.*

*Use of the word 'hairy' to express a hazard is a common expression that we have simply adopted for this campaign. Research participants indicated that they could see themselves adopting the vernacular of 'things are getting hairy' to encourage drivers to slow down and open the topic of road safety, something that is often difficult for our audiences to do. As such we believe the concept of 'getting hairy' is appropriate and relevant to the context of the campaign and its objectives.*

### *2.1 Discrimination or Vilification Lifestyle Choices*

*This case includes a complaint that believes the depiction of a man as a fairy is an affront to mans' masculinity, biased against men and compares it with another MAC campaign, the regionally focused 'Keep the Bromance Alive', not currently in market.*

*Generally, 70% of road fatalities in South Australia are males so campaigns are necessarily male biased.*

*We do not agree that the character of the Hairy Fairy is particularly non-masculine nor do we suggest that his depiction is representative of all men. The purpose of this campaign, as with the Bromance campaign, is to draw attention to an important road safety issue in a humorous way that encourages discussion and where necessary, intervention.*

### *2.1 Discrimination or Vilification Religion*

*This case includes a complaint that believes the depiction of the Hairy Fairy reflects a traditional depiction of Jesus and as such is disrespectful.*

*It was not our intention to offend people of Christian faith.*

*It was not our intention to depict the Hairy Fairy as Jesus and talent was not recruited on this basis, but rather that he was 'hairy'. Any observation that he bears a resemblance to a popular depiction of Jesus is coincidental and there is no intent for those comparisons to serve a purpose in relation to the road safety messaging strategy.*

*It was our intention to depict a fictional character, a magical fairy, who serves as a positive role model providing encouragement to drivers to stick within the speed limits.*

*It is worth noting that comparisons have also been made between the Hairy Fairy and other people.*

*Name removed I took this as he is an actual fairy...like in the fairytales, but he's hairy, so known as 'The Hairy Fairy'.*

*23 October at 18:31*

*Name removed, Name removed so this is what Dave Grohls been up to*

*30 October at 15:26*

*Name removed I thought it was Hugh Jackman at first... my bad*

*24 October at 22:04*

*Name removed Is it just me or does this look like Nick Name removed ??*

*24 October at 20:32*

*Name removed Name removed This guy looks like sam with long hair!!!*

*22 October at 23:13*

*Name removed This guy reminds of Name removed... Hahaha*

*20 October at 03:06*

*Name removed Where were you when this spot was being cast Name removed?  
19 October at 13:26*

*The above show there have been a variety of interpretations of the character. It is also important to note that we have also received positive reactions, some pleasingly stimulating conversation and debate around the topic of speeding.*

*From the Port Lincoln Times, Wed Nov 2, 2016:*

*“The campaign’s message, which stars a comically oversized bloke in a pink ballerina tutu, emphasises that ‘there’s nothing normal about speeding. The fairy’s role is to help drivers recognise moments when they may be tempted to speed and encourages the avoidance of situations that could ‘get hairy’. It’s comical, but it’s a way of helping us digest a more serious issue.”*

*From MAC’s Facebook page:*

*Name removed I love the Hairy Fairy!  
2 November at 12:50pm*

*Name removed Very funny.  
28 October at 20:22*

*Name removed Love these ads lol  
24 October at 16:13*

*Name removed He cracks me up the Hairy Fairy lmao  
24 October at 14:08*

*Name removed good ad but the way it was done was hilarious especially with all the rabbits  
17 October at 19:50*

*Name removed I love the hairy fairy, he makes me smile and is here to keep us safe x  
23 October at 18:07*

*Name removed Well done MaC ... this is brilliant. ????  
23 October at 13:26*

*Name removed I LOVE these commericals...classic and well thought out for a good laugh.  
22 October at 15:11*

*Name removed I love this add campaign it's great ??  
22 October at 00:22*

*Name removed Questions to all those sceptics . Has the add made you think about speeding even if you thought what has this got to do with speeding . Yes . Will you talk about how stupid the guy in a tutu is and promote others to have a look them selves . Most likely . Adds effectiveness might not solve the problem of all people and how they selfishly and carelessly take other people's lives for granted but if it has made you think at least once about how stupid you look to others when you speed then might help the problem*

18 October at 07:09

Name removed Hey its working we are talking about it.....

27 October at 03:46

Name removed I think the adds just having a bit of fun and everyone needs to just chill out a bit. It's got you thinking and talking about speeding so it's done it's job

25 October at 05:36

*As with all MAC campaigns, a rigorous research process was undertaken to determine the best possible approach into the problem. Four distinct campaign approaches were developed and tested in nine focus groups of a diverse range of people aged between 16 and 60, male and female in both city and country. Of those tested, the concept of the Hairy Fairy was overwhelming the most effective. This is particularly pleasing as engaging with audiences on this particular issue has proven to be challenging.*

*“The Hairy Fairy was the most liked concept overall because it was seen as a novel approach and very funny. People liked the creative, and felt it was memorable and captured their attention. There was a noticeable increase in engagement in the room when the concept was described. They were also most likely to discuss this concept with family and friends, and some participants even felt that it gave them the language to talk about speeding or dangerous driving behaviour more generally”*

*Given the seriousness of the issue, the discussion the campaign has generated, its endorsement from some corners of the community and its strong basis in research we hope you agree that campaign has the potential to positively impact speeding behaviour and that its continued broadcast is justified and not in contravention of the Advertiser Code of Ethics.*

## **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 encourages discrimination against gender diverse people by showing a man in a skirt as something funny, against men by only depicting males as bad drivers, against religion by depicting a man who looks like Jesus in a tutu, and against people with a lot of body hair by suggesting that being hairy is a bad thing.

The Board viewed the advertisement and noted the advertiser’s 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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that the television advertisement depicts bearded man in a tutu, the Hairy Fairy, speaking about speeding leading to 'hairy' situations. He appears in the back of driver's cars encouraging them to obey the speed limit.

The Board noted the advertiser's response that described the Hairy Fairy as a likeable fictional character, not intended to contest 'normality' with a suggestion that there is nothing 'normal about a man in a tutu.' And that the concept of 'hairy' is commonly used to encourage drivers to slow down. The purpose of the campaign is to draw attention to an important road safety issue in a humorous way that encourages discussion.'

The Board noted a number of different connotations to the term 'hairy'. The Board acknowledge that the term 'hairy' is used in common vernacular to refer to a dangerous or scary situation. The Board noted the derivation of this term could come from a reference to being scared causing your hair to stand on end. The Board also noted that the term 'hairy fairy' is a reference in the UK to a hairy gay man.

Overall the Board considered that the depiction of a hairy man as a 'hairy fairy' was an unusual, different depiction of someone and that the depiction could be seen in various ways: as a connection between hairy driving and an hirsute person; a play on words associating 'normal' behaviour with a man wearing a tutu; a depiction of a gay man or, as the advertiser stated, as an unusual light-hearted depiction of a hairy fairy.

The Board noted the requirement of the Code under Section 2.1 which requires that a person or group of people are given unfair or less favourable treatment or that they are humiliated, intimidated, or inciting hatred, contempt or ridicule.

The Board noted the manner in which the Hairy Fairy is depicted in the advertisement and considering one or all of the different interpretations and views of the hairy fairy, in the Board's view at no point in the advertisement was the Hairy Fairy disparaged. In the Board's view at all times the other characters in the advertisement treat him with respect and listen to his advice. The Board noted the Hairy Fairy was the hero of the advertisement who was spreading a very important message about road safety.

The Board considered that the Hairy Fairy was not treated unfavourably in the advertisement and that he was not depicted in a manner that would ridicule or humiliate any particular group of people.

Overall the Board considered that the depiction of the Hairy Fairy was most likely to be seen as a humorous depiction of a hairy man in an unusual fantasy situation. The Board considered that the advertisement did not discriminate against or vilify the gender diverse people, hairy people or gay men.

The Board noted the complainant's concern that the man in the advertisement was a portrayal of Jesus, however considered that this was an unlikely interpretation.

The Board then considered the complainant that the advertisement discriminated against people with a lot of body hair. The Board considered that the use of the word 'hairy' in this instance was to describe a dangerous situation, and to humorously link back to the character of the Hairy Fairy. The Board considered that this advertisement did not discriminate against or vilify people with lots of hair.

The Board noted the complainant's concern that the phrase 'there's nothing normal about speeding' related to the Hairy Fairy and suggests that there is nothing normal about a man in a tutu, however considered that this comparison was unlikely to be recognised by most members of the community. The Board further considered that saying that something is not normal, does not amount to vilification of that behaviour.

The Board then considered the complainants' concerns that depicting a man in a tutu encourages people to laugh at and belittle gender diverse people. The Board noted that while seeing a man in a tutu may be unusual, they considered that the Hairy Fairy character in the advertisement is in no way being humiliated.

The Board then considered the complaint that the advertisement vilified males by only showing men as bad drivers and the women as good drivers. The Board noted that the first male driver shown in the advertisement was shown as the example of a normal driver who obeys the speed limit, and considered that the advertisement was not suggesting that all males drive unsafely.

The Board also noted that statistically males are more likely to speed than females and considered that in the context of an advertisement for road safety showing a male speeding did not amount to discriminating against or vilifying males.

The Board 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 religion, gender or physical characteristics.

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

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaints.