



Case Report

1	Case Number	0470/16
2	Advertiser	Motor Accident Commission SA
3	Product	Community Awareness
4	Type of Advertisement / media	Internet
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Lifestyle Choices

DESCRIPTION OF THE ADVERTISEMENT

There are two versions of the online advertisement.

Version one: A bearded man in a tutu, The Hairy Fairy, is sitting in the forest meditating. Text on the screen reads: "Don't feel the pressure to speed due to other drivers".

Version two: The Hairy Fairy is shown running through the forest and tripping over a log. Text on the screen reads: "Slow down before things get hairy".

THE COMPLAINT

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

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.

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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 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

Online and social - depiction of a male dressed in a skirt

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.

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 withheld I love the Hairy Fairy!

2 November at 12:50pm

Name withheld Very funny.

28 October at 20:22

Name withheld Love these ads lol

24 October at 16:13

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

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

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

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

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

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

*Name withheld 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 withheld Hey its working we are talking about it.....
27 October at 03:46*

*Name withheld 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 discriminates against gender diverse people by holding them up to ridicule.

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 there were two versions of this internet advertisement. In the first version a bearded man in a tutu, The Hairy Fairy, is sitting in the forest meditating. Text on the screen reads: "Don't feel the pressure to speed due to other drivers". In the second version the Hairy Fairy is shown running through the forest and tripping over a log. Text on the screen reads: "Slow down before things get hairy". Both advertisements contain the text “there’s nothing normal about speeding”.

The Board noted it had previously dismissed complaints about a television advertisement in this campaign in case 0461/16 where:

“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 considered in the current advertisements the Hairy Fairy was not held up for ridicule and was intended to help promote an important message about speeding.

Consistent with the previous determination, 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 gender.

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.