



## Case Report

1	Case Number	0490/16
2	Advertiser	Cairns tyre specialist
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	23/11/2016
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a close up of a woman's breasts in a bikini top. The male voiceover says, "If it's got these" and then we see a pile of tyres and the voiceover continues with "or these" before going on to say, "it's gonna cost you money". We then see a photo of the Cairns Tyre Specialist premises with members of staff standing next to a ute and the voiceover says they can only help you with your tyres.

### THE COMPLAINT

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

*Degradation of women physically and the reference to having breasts means you're loose with money or you need money for the upkeep I feel was the inference. It's highly offensive on several levels. It's sexually discriminating.*

*I feel it is sexist and condescending to women. Beyond that it was a little early to be shown as well.*

*Offended by the close up of women's breasts, the fact that this ad is in prime time television when children are watching. And that the defence to women's breast being expensive in*

*comparison to car tyres. Just ridiculous that a group of people think this is ok let alone a television station governed by all sorts of acts and restrictions that it can then be aired, good on executives who are meant to be professional at 7Mate! Disgusting....*

*Disgusting sexist offensive ad.*

*It is offensive and degrading against women.*

*Blatantly sexist ad. Implies that women are expensive to maintain. As though women are something that men need to constantly fork out money to. Also the close up depiction of women's breasts totally inappropriate for the product they are trying to sell.*

## **THE ADVERTISER'S RESPONSE**

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

*In response to your letter, I wish to respond as follows:*

- 1. The advertisement in question has received CAD approval, no. P3TP3MVA*
- 2. The advertisement was carefully prepared and designed to appeal to the younger male demographic, but still able to be shown in PG time slots. The CAD approval has been granted with a G rating.*
- 3. The advertisement is booked to be aired in programs that have a predominately male 18-40 age bracket as the main audience. We believe the advertisement has been successful in reaching this audience.*
- 4. I have viewed advertisements that are far more explicit on local television and I was surprised to receive the complaints that did come in.*
- 5. The complaints were all from viewings after 9pm, which is when the advertisement mainly aired.*

*I thank you for the opportunity to respond to the complaints received and await your decision.*

## **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 sexist and degrading towards women.

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 advertisement featured a close up shot of a woman's breasts in a bikini top. The male voiceover says "If it's got these...", then a shot of a pile of tyres appears and the voice over says, "or these it's going to cost you money." A photo of the business and staff then appears and the voiceover states that they can only help with tyres.

The Board noted that it had previously considered a complaint about a focus on a woman's breasts in case 0007/12 where:

"The Board noted that the advertisement begins and ends with an image of a woman wearing a white shirt with 'do you know where your assets are?' across it. The Board also noted that the advertisement commences with a full screen shot of the woman's chest and shirt and that the advertisement then pans out to see the woman in full.

The Board noted that the woman in the advertisement is shown working in an office environment as well as promoting the business on her t-shirt. The Board agreed that the focus on the woman's shirt was objectifying of the woman however the Board noted that, as well as being depicted posing next to a vehicle, the woman is shown as an employee of the business and is seen seated at the computer and working. The Board considered that, although there is a focus on the woman's chest in the advertisement, the woman is not depicted in a manner which presents her in a negative manner and that the advertisement as a whole does not discriminate against or vilify women."

The Board noted the Practice Note to the Code which defines:

'Discrimination – unfair or less favourable treatment

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

The Board noted that in this advertisement the close up image of the woman's breasts is accompanied by the voice over saying 'If its got these', and then concluding with 'its gonna cost you money'.

A minority of the Board considered that referencing the woman as 'it', and reducing her to a pair of breasts vilified the woman and women in general.

The majority of the Board felt that this comment was objectifying as it reduced the woman to a pair of breasts. However the majority of the Board considered that this was not discriminatory as the woman was not treated unfairly or less favourably to another person, and was not vilifying within the terms considered by the Practice Note. In the majority of the Board's view the advertisement is attempting to use humour in depicting a stereotype that women and cars will cost a person money but the tyre shop only sells tyres. In the majority of the Board's view the treatment of the woman in the advertisement was likely not to be seen as humorous by many people but did not amount to humiliating or intimidating woman and did not incite hatred, contempt or ridicule.

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.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code 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 that in order to be in breach of this section of the Code the image would need to use sexual appeal in a manner that is both exploitative and degrading.

The Board noted the Practice Note for Section 2.2 which provides the following definitions:

“Exploitative means clearly appearing to purposefully debase or abuse a person, or group of person, for the enjoyment of others, and lacking moral, artistic or other values;

Degrading means lowering in character or quality a person or group of persons.”

The Board noted that it had previously upheld a complaint about a focus on a woman’s breasts in case 0007/12 where:

“The Board noted that at the start of the advertisement there is a close-up of the woman’s chest and the wording across her t-shirt, “Do you know where your assets are?” The Board considered that the close up of the woman’s chest was a use of ‘sexual appeal’ in the advertisement.

The Board also considered that the focus in the advertisement on the woman’s chest is an exploitative use of sexual appeal. The Board also considered that the combination of the close-up of the woman’s chest, the implied reference to the woman’s breasts as ‘assets’, and the connotation that the assets were a possession of someone other than the woman amounts also to a use of sexual appeal that is degrading.”

In the current advertisement, the Board noted that the advertisement only shows the woman’s breasts, and similar to the previous case the Board considered this focus is an exploitative use of sexual appeal.

The Board noted that the woman was referenced as an ‘it’ the same way as a vehicle with tyres is, and considered that the advertisement was drawing a comparison between the woman and property.

The Board considered that reducing a woman to a single part of her body and suggesting she is the property of someone was clearly degrading.

The Board considered that the advertisement did employ sexual appeal in a manner which is exploitative and degrading towards the woman in the advertisement.

The Board determined that the advertisement did 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 that the advertisement had been given a ‘G’ rating by CAD and as such the relevant audience for this advertisement would include children.

The Board noted that this advertisement included a depiction of woman’s breasts in a bikini top and considered that the woman is appropriately covered and there are no direct references to sex in the advertisement.

The Board considered that while the depiction of the woman’s breasts is mildly sexual it is not inappropriate for the relevant audience, which may include children.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did breach Section 2.2 of the Code, the Board upheld the complaints.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The advertiser verbally confirmed that the campaign had ended.