



## Case Report

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|----------|--------------------------------------|-------------------------|
| <b>1</b> | <b>Case Number</b>                   | <b>0504/14</b>          |
| <b>2</b> | <b>Advertiser</b>                    | <b>Cars Guide</b>       |
| <b>3</b> | <b>Product</b>                       | <b>Automotive</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>10/12/2014</b>       |
| <b>6</b> | <b>DETERMINATION</b>                 | <b>Dismissed</b>        |

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.3 - Violence Violence

### DESCRIPTION OF THE ADVERTISEMENT

There are two advertisements which compare Carsguide.com.au versus other car sales websites. Both versions contain a man on the left side of the screen, representing other car sales websites and a woman on the right, representing Carsguide.

Each character explains their product to camera. After the man has explained his product we see either animated soccer balls bouncing off parts of his body or animated bees attacking him and the man appears to react even though they are animations. The woman then explains that you can list your car for free on Carsguide and we see the website address on screen.

### THE COMPLAINT

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

*There are two similar advertisements, in both cases the man gets hit on the head with a ball (or by bees) and then he is hit by the ball in the groin or attacked by the bees in the groin. Is this really necessary, the ads sexist enough with it's well to do young lady and the old salesman stereotypes (smart woman/ stupid guy) but does he really need to be hit in the groin? This is not how you sell cars.*

### THE ADVERTISER'S RESPONSE

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

*Carsguide do not believe there has been a breach of the codes of conduct of Section 2 of the AANA Code of Ethics within the advertisements in question. Each point is addressed below:*

*2.1 – Discrimination or vilification*

*The advertisements do not discriminate against any member of society based on race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*We have used an older person to represent “the old way of doing business” and a younger person to represent the “new way” however there is no intention explicit or implied that we are discriminating against the male talent because of his gender.*

*2.2 Exploitative and Degrading*

*The advertisements do not contain any degrading content. Both characters are dressed modestly in smart casual attire. There are no sexual, degrading or exploitative words, innuendo or actions used, nor is anything sexual implied.*

*2.3 Violence*

*The advertisements do use animated physical comedy in both executions. This use of slapstick does not and was not intended to display an actual physical attack on the male talent. The use of comical animations clearly demonstrates to the viewer no actual harm was caused to the male talent.*

*2.4 Sex, Sexuality and Nudity*

*These advertisements contain no sexual content or nudity. Both characters are dressed modestly and there is no sexually suggestive content.*

*2.5 Language*

*Only appropriate language is used in the advertisements, with no coarse or suggestive content being spoken or implied.*

*2.6 Health and Safety*

*We do not believe there is any content in the advertisements which would be contrary to the Prevailing Community Standards of health and safety.*

## **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 complainant’s concern that the advertisement is sexist in its depiction of an older man being compared to a younger woman, and with the man being hit in the groin. 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 the advertiser’s response that an older man was used to represent the “old way of doing business” whilst the younger woman was representative of the “new way”. The Board considered that the focus in the advertisement was on the product rather than the gender of the person explaining it. The Board noted the depiction of an older man being the ‘bad’ choice. The Board considered that this depiction of a ‘bad’ choice is suggestive of a ‘car salesman’

stereotype. The Board considered that the advertisement does not suggest that being older or male is negative but rather that the methods and tactics of the old-fashioned salesman is negative. The Board considered that in the context of the advertisement's message this depiction of an old-fashioned salesman being the bad choice is not inappropriate or discriminatory. The Board considered overall that the advertisement does not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of their gender or age. 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 2.3 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 Board noted that once the man has explained his product we see him being attacked either by animated bees or animated soccer balls and considered that whilst this depiction was not relevant to the advertised product in the Board's view it is slapstick and not suggestive of actual violence or harm. The Board noted the man's reactions which indicate he feels pain but considered his portrayal is intended to be over the top and comical and that it is clear that he has not actually been harmed by the on-screen animation. The Board considered that the advertisement did not present or portray violence and determined that the advertisement did not breach Section 2.3 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.