



Case Report

1	Case Number	0533/16
2	Advertiser	Motor Accident Commission SA
3	Product	Community Awareness
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	07/12/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.1 - Discrimination or Vilification Lifestyle Choices

DESCRIPTION OF THE ADVERTISEMENT

There are 8 images/html banners included in this Facebook ad series.

One: A long still image which has a bearded man with long hair and a flower crown pointing towards the camera. The words 'Slow down before things get hairy' also appear.

Two: A still image which has a bearded man with long hair and a flower crown pointing towards the camera. The words 'Slow down before things get hairy' also appear.

Three: A long image down the side of the page with a golden background. The words 'slow down before things get hairy' appear followed by an image of a bearded man in a tutu kicking out towards the camera with his shoe. The words 'there's nothing normal about speeding' appear.

Four: A long image down the side of the page with a golden background. The words 'slow down before things get hairy' appear followed by an image of a bearded man in a tutu. The words 'there's nothing normal about speeding' appear.

Five: A long thin image in which the face of a bearded man with long hair appears, followed by the words 'slow down before things get hairy' and finally the text 'there's nothing normal about speeding.'

Six: A square image which depicts a hairy back with the speed limit of '100' shaved into it. The words 'slow down before things get hairy' appears, which is then replaced by the text 'there's nothing normal about speeding'.

Seven: A square image which depicts a hairy back with the speed limit of '60' shaved into it. The words 'slow down before things get hairy' appears, which is then replaced by the text 'there's nothing normal about speeding'.

Eight: An image of four men standing with their hairy backs facing the camera. Speed limits are shaved into their backs. The text 'slow down before things get hairy' appears.

THE COMPLAINT

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

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 Tran's 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 Motor Accident Commission 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.

In this complaint I refer to 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 appears to be a cisgender man wearing a pink tutu - or may perhaps be a trans person who 'reads' as male - and seems to attempt to bring a funny element to advertising the importance of not speeding on the road.

It attempts to make fun of the idea of a 'man in a skirt' and uses this as the punchline, suggesting there is 'nothing normal' about speeding just like there is 'nothing normal' about the apparent 'man in a skirt'.

For gender diverse and particularly transgender people, this ad is harmful. It encourages people to laugh or think there is 'nothing normal' about people who 'appear' male to be wearing skirts. This directly feeds and encourages discrimination against gender-diverse and transgender people, particularly trans women and trans feminine people.

The trans and gender diverse community already suffers from discrimination and violence in personal and professional spheres, as well as higher rates of mental illness and other health outcomes as connected to this. This ad supports and further normalises the basic ideas - that trans women or transfeminine people are funny or not normal (read also: wrong, less than human) - which are often base ideas informing such abuse towards these communities.

This advertising undermines the professional image of the Motor Accident Commission of SA, weakens the advertising's message, alienates numerous audience members, and actively informs ideas that contribute to terrible treatment of trans and gender diverse people.

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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.

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 multiple versions of this Facebook advertisement which showed either a bearded man in a tutu (the Hairy Fairy) or speed limits shown shaved into the backs of hairy men. All the advertisements feature the text ‘slow down before things get hairy.’

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

“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.”

Consistent with the previous determination the Board considered in the current advertisements the Hairy Fairy was not held up for ridicule, was not seen as a representation of gender diverse people, and was intended to help promote an important message about speeding.

The Board also noted it had previously dismissed complaints about a billboard advertisement in this campaign in case 0476/16 where:

“The Board noted that this billboard advertisement features the backs of four hairy men with speed limits shaved into their backs, and the text “Slow down before things get hairy”.

The Board considered that the current advertisement made a humorous link between the term ‘hairy’ meaning dangerous and the hairy backs of the men.

The Board noted that men in advertising are usually seen as having hairless backs and that it was unusual to see normal ‘hairy’ men being portrayed in advertising. However the Board considered that this was not a negative image.

Consistent with the previous determination the Board considered that this advertisement did not suggest that being hairy was a bad thing, and did not discriminate against or vilify people with lots of body hair.

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 physical characteristics.

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

The Board considered in the current advertisement the depiction of hairy men with speed limits shaved in their back did not suggest that being hairy was a bad thing and did not discriminate against or vilify people with lots of body hair.

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 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.

