



Case Report

1	Case Number	0555/14
2	Advertiser	Wicked Campers
3	Product	Travel
4	Type of Advertisement / media	Transport
5	Date of Determination	14/01/2015
6	DETERMINATION	Upheld - Not Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This Wicked Campers van features a slogan on the rear which reads, "Women fake orgasms because they think men care!"

THE COMPLAINT

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

I was offended by the language sign written on the vehicle which contained inappropriate language for a public vehicle to display and inappropriate concepts and was derogatory putting women down and it is unnecessary and was visible to all members of the public including children.

THE ADVERTISER'S RESPONSE

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

The advertiser did not respond.

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 features text that is derogatory to women and contains language about a topic that is inappropriate for viewing by a broad audience.

The Board viewed the advertisement and noted the advertiser had not provided a 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 text on the van reads: “women fake orgasms because they think men care.”

The Board noted that the same slogan had been complained about previously (ref: 0236/08) however the Board were unable to make a determination at the time as there was no image available.

The Board noted that the statement could be considered to be discriminatory toward either men or women. The Board noted that the complaint’s concerns were relating to the statement being derogatory toward women. The Board considered that the statement does refer to women faking orgasms because it would be more pleasing to their male partner.

The Board agreed with the complainants view that the statement’s suggestion that men don’t care about women is likely to be offensive to some people but did not reach a level that was considered 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.

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 it had previously upheld slogans for the same advertiser that contained statements of a sexual nature. Specifically in case 0363/14 where: “The Board noted that the advertisement makes reference to a sexual act (“a blowjob a day beats an apple).”

In the case mentioned above the Board considered that the reference to a blow job is blatantly sexual and is not appropriate for a broad community who could easily see this advertisement.

Consistent with this previous determination the Board noted the advertisement uses the term, 'orgasm' and considered that this clear reference to a sex related topic is not appropriate for the back of a mobile van which is viewable by a broad audience and does breach Section 2.4 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Board noted that the term 'orgasm' is understood to mean "the climax of sexual excitement..." and does not carry a hidden meaning or double entendre. The Board agreed that although the word 'orgasm' is the correct word for the sexual act, in the context of a vehicle able to be seen by a broad audience the phrase is strong and brings the idea of sex and sexually related activities to the viewer which would include children.

In this way, the Board considered that the language was not appropriate in the circumstances (including for the relevant audience) and did breach Section 2.5 of the Code.

Finding that the advertisement did breach the Code on section 2.4 and section 2.5 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser has not provided a response to the Board's determination. The ASB will continue to work with the relevant authorities in Queensland regarding this issue of non-compliance.