



CASE REPORT

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| 1. Complaint reference number | 231/07 |
| 2. Advertiser | Ford Motor Co Aust Pty Ltd (Falcon Ute XR8 - Utopia) |
| 3. Product | Vehicles |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Sexual preference – section 2.1 FCAI - Driving practice that would breach the law |
| 6. Date of determination | Tuesday, 14 August 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a fantasy world made for "blokes". Two young men in a Ford Ute are seen driving along a suburban street in "Utopia". They view a dishevelled man bending to pick up what appears to be a newspaper thrown by a paperboy, but discovers it is a steaming hot kebab, and men are seen chasing a "Mr Frothy" beer van down the street. The men in the car see a warning sign announcing "Police now targeting metrosexuals" and note a number of drivers pulled over wearing "metro" clothing. Men are seen travelling down the street in motorised reclining chairs waving to the two drivers, and a crane is seen lowering a massive television onto the rear of a Falcon XR6 Cab Chassis. The streetscape resembles a Las Vegas style but instead of casinos, the street is filled with tool shops and hardware stores. A theatre advertises a show "Beer - The Musical" and a character outside is wearing a beer-glass costume, handing out flyers. The final scene shows the Ute circling a roundabout which has as its centrepiece a fountain in the shape of a stubbie bottle with frothy yellow liquid bubbling over the edges, as men at its base scoop up the liquid and bathe in it. A voiceover announces "The Falcon XR8 Ute. The power it gives blokes is unbelievable".

THE COMPLAINT

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

One of the things portrayed was a digital highway sign displaying something like 'police now targeting homosexuals'. Next to this sign some police officers had pulled over a group of gay men. I found this offensive because the message the ad gave was that this is what all Aussie 'blokes' want. While the ad was funny, this was an unnecessary additive.

Whilst clearly a fantasy scenario, the sound of the modified exhaust system at the end of the ad is offensive and illegal. Such noisy exhausts are the scourge of many neighbourhoods, causing much annoyance. A fantasy scenario is no excuse for encouraging a culture of lawlessness and noise assault.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

(One) complaint refers to the highway sign in the TVC and says the sign reads "police now targeting homosexuals". The sign in fact reads "Police now targeting metrosexuals". The complaint is therefore inaccurate.

The complaint also states the police pulled over a group of gay men next to the highway sign. The men are metrosexuals, not gay men. Metrosexual is a word used to describe an urban male of any

sexual orientation who has a strong aesthetic sense and spends a great deal of time and money on his appearance and lifestyle. The complaint refers to the noise produced by the vehicle's exhaust system at the end of the television commercial. It is claimed that the sound is produced by a modified exhaust and is too loud as well as being illegal.

(Another complaint) states that the commercial depicts an unlawful new car. This is not the case as the exhaust system of the featured XR8 Ute has not been modified; hence the vehicle shown is not illegal. The noise level produced from a standard factory-fitted exhaust complies with all laws and legal requirements. The sound heard in the commercial is produced by a Falcon XR8 Ute with a standard factory-fitted exhaust hence the noise level complies with the requirements of the ADR 83/00. The sound also complies with the Free TV OP48 standard. The OP48 is the audio standard for loudness levels by which all Australian sound production companies are required to comply with when sound mixing all commercial TVC's.

We do not believe the new Falcon XR8 Ute television commercial contravenes the provisions of the AANA Advertiser Code of Ethics or the FCAI Code of Practice for Motor Vehicle Advertising.

THE DETERMINATION

The Advertising Standards Board ("Board") was required to determine whether the material before it was in breach of the Federal Chamber of Automotive Industries' Advertising for Motor Vehicles Voluntary Code of Practice (the "FCAI Code"). The Board determined that the material before it was an "advertisement for a motor vehicle" and therefore that the FCAI Code applied.

The Board then analysed specific sections of the FCAI Code and their application to the advertisement. The Board determined that the advertisement did not breach any provisions of the FCAI Code.

The Board then considered whether the advertisement breached any of the provisions of the AANA Advertiser Code of Ethics (the Code). The Board noted one complaint about the use of the car horn in the advertisement. The Board noted that the advertiser advised that there is no car horn used in the advertisement, rather it is the sound of a vehicle exhaust. The advertiser also advised that the noise level produced by the vehicle is legally compliant.

The Board also considered whether the advertisement discriminated against or vilified any person on account of their gender. The Board noted the complainant's concern that part of the advertisement referred to police 'now targeting homosexuals'. The Board viewed the advertisement and noted that the advertisement does not refer to homosexuals - rather to 'metrosexuals'. 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 complaint.