



## **CASE REPORT**

1. Complaint reference number	337/09
2. Advertiser	Ssangyong Motors
3. Product	Vehicles
4. Type of advertisement	Print
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 FCAI - Other
6. Date of determination	Wednesday, 22 July 2009
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

This print advertisement for Barbagallo Ssangyong dealership displays the image of a Ssangyong Dual Cab Diesel Ute. The heading on top of the image says “YOU CAN THROW YOUR TOOLS IN THE BACK. AND THE MISSUS.”

Below the main picture are the words in small font “Direct injection turbo diesel, tray liner, electric windows and mirrors, remote central locking with alarm, coil spring suspension, air conditioning, 2,300kg braked towing capacity, 3 year/100,000km manufacturer’s warranty with roadside assist, optional Aussie made 6 speed auto transmission available. And it’s a dual cab, so the missus will be happy too.”

Details of the location and contact numbers of the dealership are at the bottom of the image.

## **THE COMPLAINT**

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

*This is derogatory to women. I get that they were trying to be funny but this shows lack of respect for women. Domestic Violence. On many levels this is not appropriate advertising. Women have fought hard for dignity and respect and this shows little of either.*

## **THE ADVERTISER’S RESPONSE**

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

*We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics (“the Code”). We note that the nature of the complaint relates generally to “discrimination or vilification of gender” and specifically to the concern that the ad in question is derogatory to women and portrays domestic violence.*

*Having carefully considered the Code, and having assessed the provisions against the content of these advertisements, we think that the advertisement does not breach the Code on any of the grounds set out in the same.*

*Section 2.1 of the Code provides that advertisements 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, sex, age, sexual preference, religion, disability or political belief”.*

*The advertisement in question uses a humorous play on words to highlight the fact that the ute depicted is a dual cab, which means that it has rear seating. It states in the headline “YOU CAN THROW YOUR TOOLS IN THE BACK. AND THE MISSUS”. The reader may think from the*

*headline that the advertisement is talking about putting one's wife in the back tray of the vehicle, but this is turned on its head in the subsequent lines which say "And it's a dual cab, so the missus will be happy too". The humour operates on the understanding that it would be unacceptable for a tradesman to make his wife ride in the back tray of the ute.*

*We note that the Advertising Standards Board dismissed a complaint earlier this year against one of our radio advertisements that also played on the concept of "throwing the missus in the back". The Board found that the advertisement was not discriminatory towards or vilifying of women.*

*The complainant specifically refers to domestic violence. Nowhere in the advertisement is there any mention of violence towards women.*

*We note that the headline in the advertisement refers to "the missus". This expression is a commonly used and accepted slang expression for a man's wife or partner, and we note that in the Board's decision on our radio advertisement, it found that the term did not amount to sexual discrimination or vilification on its own. There are no disparaging comments about the man's spouse, or women in general, in the advertisement.*

*In summary, in our view, none of the above constitutes a portrayal which discriminates against or vilifies women. The ad is merely intended as a light-hearted and humorous way to highlight the features of the Ssangyong Ute in a way that relates to its target audience.*

*Obviously the intention was not to condone or encourage discrimination or vilification of women in any sense. In our view, a reasonable person would not view the advertisement as discriminating against or vilifying women.*

*For the above reasons we submit that the advertisement is not in breach of the Code. If you require any further assistance or information please do not hesitate to contact me.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics ("the Code") and the Federal Chamber of Automotive Industries Voluntary Code of Practice for Motor Vehicle Advertising ("the FCAI Code").

The Board noted the complainants' concerns that the advertisement denigrates women and considered the application of Section 2.1 of the Code, relating to discrimination and vilification on the basis of gender.

The Board noted that the advertisement refers to "throwing tools and your 'missus' into the back of the ute". While undoubtedly, the suggestion to 'throw one's missus into the back of the ute' would be unacceptable, the image makes it clear that the comment is intended to be a humorous reference to the back seat of the dual-cab vehicle, which is clearly depicted in the image. The Board noted that whilst some people may not regard the comment as funny, it does not breach section 2.1 of the Code.

The Board also noted the use of the term 'missus' and considered that this phrase was not of itself discriminatory, and that in this particular advertisement there was no derogatory context that would make it discriminatory or vilifying. For these reasons, the Board considered the reference to 'missus' is not in itself discriminatory towards or vilifying of women and therefore found no breach of Section 2.1 of the Code.

The Board also noted that the advertisement did not depict any driving and found no breaches of the FCAI Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.