



## **CASE REPORT**

- |                               |  |
|-------------------------------|--|
| 1. Complaint reference number | 351/07   |
| 2. Advertiser                 | THQ Asia Pacific Pty Ltd (Juiced 2 - Hot Import Nights)                                |
| 3. Product                    | Toys & Games   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Health and safety – section 2.6 |
| 6. Date of determination      | Tuesday, 13 November 2007  |
| 7. DETERMINATION              | Upheld – discontinued or modified  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This television advertisement for a computer game is set in a night time city street scape with a line of silver bikini-clad young women standing in the middle of the road. One woman announces "It's all about the speed" as a car circles her at speed, spraying water from its tyres on the wet road surface. A disclaimer appears on screen "Professional Stunt Driver: Don't try this at home." She continues "It's all about the control", as behind her a car accelerates and begins drifting through a the line of girls in bikinis, as in a slalom ski race. These scenes are followed by scenes from the computer game of computer-generated cars racing on a track and on a road, and being modified in a showroom, she continues "It's all about the cars..... the competition... the modding... the drifting." The scene returns to the real images of the women on the road with the cars doing burn outs driving around them. The woman concludes saying "It's all about...Juiced 2: Hot Import Nights."

## **THE COMPLAINT**

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

*Basically sexist. Using women to sell a product. Not to mention the dangerous driving around the women, even if it is done by computer. It was so bad I thought the ad may be a joke at first. Unbelievable that ads are still made like this and pass the standards.*

## **THE ADVERTISER'S RESPONSE**

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

*Juiced 2 Hot Import Nights is classified as a racing genre game in which the principal objective for the player is to wins points through skill at racing around street circuits. The video game has received a 'PG' classification with 'Mild gambling' references consumer advice from the Australian Government Classification Board.*

*The original commercial was produced overseas and then edited in Australia for broadcasting on Australian television. The commercial received a 'J' rating form Commercials Advice Pty Limited (CAD). As such, the commercial has only been scheduled to appear on TV during times that are permissible under CAD guidelines. In this instance the commercial aired between 8.35 – 9.00 pm during the program South Park on SBS on Monday 1st October.*

*The title name and many of the game features are under licence from Hot Import Nights, a US based organization that organises large lifestyle custom car shows/events and races in the US and around the world. Many of the Hot Import Nights attractions have been incorporated into the video game including the music, attractive female models, cars and parties. Together, they are a*

*differentiating and integral feature of the video game.*

*We do not believe we have breached the Advertiser Code of Ethics (the "Code") with respect to the nature of the complaint, reviewed against Section 2 of the Code.*

*Specifically, we do not believe that the TVC is sexist or breaches section 2.1 of the Code. The woman speaking in the commercial is Ursula Mayes. She is the official Spokes Model and Master of Ceremonies for Hot Import Nights in the US. In the video game she appears as a computer-generated image/person who provides instruction to players and acts as Master of Ceremonies. Ursula Mayes has an authoritative, important role and is integral to the game. That she is dressed in a "bikini" in the commercial only serves to promote the Hot Import Nights pop culture and reflect the nature and content of the actual game. Her attire is not intended to be sexist or discriminatory against women.*

*We also do not believe that the TVC depicts material contrary to prevailing community standards of health and safety, as detailed in section 2.6 of the Code. The opening sequence of the commercial features a car drifting around women standing in the middle of a road. This is accompanied by a disclaimer that appears as a super for four seconds at the bottom of the screen; 'Professional Stunt Driver: don't try this at home.' The Vision then transforms from real life footage into game play footage of cars racing and drifting. The intention is to communicate the features and excitement of the video game. In no way is the intention to encourage the audience to drive dangerously and/or illegally in real life.*

*While we did not intend to offend anyone with the content of the commercial, we recognize that not all viewers will prefer this type of videogame or entertainment. Our goal, which we believe has been achieved, was for viewers to be informed and entertained by the commercial. We believe that we have communicated the content and features of our product in a manner consistent with the Code.*

*The Juiced 2 Hot Import Nights 30 sec TVC campaign is running from Monday 1st October until Saturday 20th October. We do not anticipate running the TVC on air again after this date.*

## **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 images in the advertisement were sexist and dangerous. The Board viewed the advertisement.

In relation to the images of the women dressed in bikini style clothing and posing in the middle of the road, the Board noted the advertiser's comments that the woman talking is the spokesperson for the particular sector of the car entertainment industry and also noted that, although scantily clad, the women are simply posed in the street and are not depicted in any sexual or demeaning positions. The Board noted that not all viewers would find the images of the women necessary or appropriate but considered that the women were not depicted in a manner that was sexist or demeaning or that would breach either section 2.1 or 2.3 of the Code.

The Board then considered the images of the cars being driven around the women at high speeds. The Board noted firstly that the computer generated images from the computer game were not in breach of the Code as they were clearly depicted as being part of the product, were stylised obvious computer game images and did not depict material that amounted to a breach of the Code.

The Board considered however that the non computer generated images of the women standing in the street with the cars circling around them were depictions of behaviour that was very unsafe. The Board noted the disclaimer which states "Professional Stunt Driver: Don't try this at home." and determined that the disclaimer did not detract from the images and would not prove a deterrent to people likely to mimic the behaviour depicted.

The Board considered that the images of the women standing in the street being used as 'witches hats', although in the context of an advertisement for a computer game, were inappropriate as they were images that could easily be replicated in certain streets all around Australia. Given the concern in many communities about late night driving behaviour (burn outs and high speed racing) similar to that depicted in these real scenes the Board considered that the images were inappropriate and made

more inappropriate with the additional images of the women being driven around. On this basis the Board considered that the advertisement depicted material that was contrary to prevailing community standards on safety.

Finding that the advertisement breached section 2.6 of the Code, the Board upheld the complaint.

**ADVERTISER'S RESPONSE TO DETERMINATION**

We have discontinued the advertisement.