



CASE REPORT

1. Complaint reference number	387/06
2. Advertiser	RACQ (Insurance)
3. Product	Insurance
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 Violence Other – section 2.2
6. Date of determination	Tuesday, 10 October 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a scene in a dark car park at night, where one lone car with a female driver will not start. The female driver dials “home” on her mobile but the call is unanswered. Suddenly, she is startled to see a man’s face at her driver’s side window as he asks “Need some help?” She says no and thanks him and he walks away with a smile and a wave. She locks her car door and hears that her phone call is answered. As she tries to speak she realises it is only the home answering machine taking a message. She looks like she is wondering “What am I going to do now?” A male voiceover advises “Don’t risk it. Join RACQ now.”

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

...a man materialises in the window, scaring her. He asks if she needs help, she shakily says no, and he disappears.

...exploiting a woman’s fear of sexual assault to sell a product is highly offensive, and the implication that the purchase of a membership will resolve such fear is repugnant.

THE ADVERTISER’S RESPONSE

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

The man doesn’t exactly “disappear”. He acknowledges that the driver doesn’t require assistance, smiles, gives a small but friendly wave and moves on.

I do not agree that there is any reference to or innuendo regarding sexual assault. The female driver is startled, as anyone might be in a similar situation irrespective of their gender. There is no suggestion of sexual assault whatsoever. Nor is there any suggestion that the purchase of membership is related to sexual assault or the fear of sexual assault. The man is not threatening, on the contrary he is startled slightly himself by the female driver’s reaction to him.

The communication in the TV commercial deals with the overall concern about one’s vehicle breaking down.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches section 2 of the Advertiser Code of Ethics (the “Code”).

The Board viewed the advertisement and considered whether it discriminated against or vilified women or men.

The Board considered that it was reasonable for the company to point out the potential danger to a woman of being alone in a broken-down car at night. The Board felt that the security of being able to call an emergency technician was a reasonable benefit of membership of the organisation which the organisation had the right to sell. The Board agreed that this did not of itself vilify women (or men).

The Board also considered whether the advertisement depicted violence that was unjustifiable in the context of the product being advertised. The Board agreed that the moment when the man appears at the woman's car door is likely to startle viewers. However the Board agreed that the man was not menacing and that there was no implication that the man was likely to attack the woman. The Board noted that the advertisement's reference to increased safety by having RACQ membership was an implication of violence, but that such implication was subtle and was appropriate both for the product being advertised and the audience.

The Board determined that the community in general would not find the advertisement offensive.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.