



CASE REPORT

1. Complaint reference number	435/06
2. Advertiser	Nissan Motor Co Aust Pty Ltd (350Z)
3. Product	Vehicles
4. Type of advertisement	Internet
5. Nature of complaint	Discrimination or vilification Gender - section 2.1
6. Date of determination	Tuesday, 14 November 2006
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This internet banner advertisement features a woman's body (minus head) dressed in a red skirt suit and long red boots. A magnifying mouse on the page can be used to scroll over the woman's lower dress, exposing her leg, but at soon as the mouse touches any other part of the screen the image moves to the next page, revealing at Nissan 350Z car. As the magnifying mouse moves over the car it reveals parts of a full coloured racing car, depicting Nissan's race breed heritage, accompanied by text such as "Feels like heaven" and "Goes like hell".

THE COMPLAINT

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

It's sexist and degrading because it encourages people to 'undress' the model by showing her thighs naked under the clothes. Her head is not shown, encouraging people to focus on the body. I find that offensive.

THE ADVERTISER'S RESPONSE

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

The purpose of the advertisement is to draw attention to the fact that the inspiration for the 350Z was a racing car. Hence the wording in the first panel "Revealing our sporty model's professional background is easy", which may be regarded as a humorous double-entendre. This is because in the first view of the panel, the magnifying glass hovers over the model's legs disclosing parts of her legs that are otherwise covered by her skirt and if one then "clicks" on the magnifying glass and then on the subsequently revealed picture of the 350Z, the car is revealed in racing livery.

Nissan disputes the complainant's allegation that the advertisement encourages viewers to "undress" the model. When the magnifying glass is hovered over the model, more of her legs are exposed for a brief time, but no more than if she was wearing a mini-skirt. This is in keeping with the "double-entendre" referred to above because once the viewer moves their mouse the image of the model disappears and is replaced by the 350Z. The viewer cannot return to the image of the promotional model except by refreshing their browser.

Nissan does not believe that the advertisement is in any way discriminatory nor is it offensive, sexist or degrading. Women dressed in the same fashion as the model regularly appear at motor racing events (and many other sporting events) to promote the race teams and their sponsors.

Nissan believes that the average person applying contemporary community standards would share this opinion and that the majority of viewers seeing the advertisement would find it clever or humorous.

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 the complainant’s comments that the advertisement was sexist and offensive.

The Board considered whether the advertisement breached Section 2.1 dealing with discrimination and vilification of gender. The Board noted that the advertisement draws a parallel between ‘what’s underneath’ the panels of a car (presumably referencing the mechanics of a car), and ‘what’s underneath’ the dress of a woman.

Mindful of prevailing community standards, the Board considered that the parallel was playful and determined that such a parallel did not in itself vilify or discriminate against women. Hence the Board determined that the advertisement did not breach section 2.1 of the Code.

The Board noted that the extent of flesh shown by the magnifying glass was minor and that the advertisement did not depict nudity, or sex. The board considered that the depiction of sexuality was not inappropriate or insensitive in this advertisement.

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