



## **CASE REPORT**

- |                               |  |
|-------------------------------|--|
| 1. Complaint reference number | 487/09   |
| 2. Advertiser                 | Toyota Motor Corporation   |
| 3. Product                    | Vehicles   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3<br>FCAI - Speeding |
| 6. Date of determination      | Wednesday, 28 October 2009   |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

This TVC commences with a man driving in the outback and he says (referring to Border Security Officers) "*Their job is crucial, this is a hard country and we want to keep it that way, nothing soft gets in*". The Advertisement then cuts to men in the outback being chased by border security officers on ground, car and by air in a helicopter and then border security officers throwing "banned" items into a Ute (motor scooter). City people do not know what the hell they are facing out here. A border security officer asks one couple, When was your last latte? It then shows officers taking a little dog from a child who is sitting in the back of her parents car. The officer says "sorry girls, trying to use your kids to get things through – it's disgusting". It then cuts to a shot of four wheel drives, driving over rough terrain and the male officer says, you need tough vehicles out here. One border security woman says, these off-roaders, they put fake Toyota badges on. It then shows male officers opening up a large amount of tofu (another banned product). Some get through, they don't get far. Mens cosmetics ... one officer appears to ask the man It makes you smell nice does it? The ad then cuts to a man wearing a sweater around his neck and a Border Security Officer says "well can you at least take it from around your neck"? It then shows a female Border security officer asking a man whether he shaves his chest. Country Australia Border Security, nothing soft gets in.

## **THE COMPLAINT**

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

*I find this ad offensive as it plays on stereotyping of what a "Real" man is. A real man isn't "Soft", he doesn't trim chest hair or wear jumpers around his shoulders as this Toyota ad would have us believe. It plays on inaccurate gender roles that numerous academic studies and research have found are incorrect and are politically incorrect. Most offensive to me, is the implication that the stereotypical homosexual man, which is indirectly referred to in the subtext of this ad, are soft and therefore not a real man. I believe this ad breaches section 2.1 of the code of ethics as it depicts men how the advertiser believes they should look like and behave. If only men "who aren't soft" drive Toyotas what about the gay community and women? I'm not one to get offended by little things. I am able to laugh at myself but this ad is inappropriate, inaccurate and biased. It needs to be taken off the air and Toyota told that this type of advertising is not acceptable on television. It is sexist and homophobic.*

## **THE ADVERTISER'S RESPONSE**

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

*Firstly, it should be known that Toyota Motor Corporation Australia Ltd (Toyota) takes its responsibility as an advertiser very seriously. We make extensive efforts to understand not only our*

*current and target audiences, but also community issues, and to treat all people with respect. Over and above this, we have established our own stringent internal advertising review and approval process including legal advice. Toyota is extremely sensitive to prevailing community standards and has very strict advertising content standards that areas stringent if not surpassing the industry standard.*

*We have carefully considered the complaint and strongly disagree with the concern put forward by the complainant. While we respect the right of such individuals to hold their view, it is our firm belief that the RURAL 'Nothing Soft Gets In' television commercial does not breach the AANA Advertiser Code of Ethics, nor the FCAI Code of Practice for Motor Vehicle Advertising (FCAI Code).*

*My understanding is that the complaint only relates to a breach of Section 2.1 of the AANA Advertiser Code of Ethics, and there appears to be no complaint that the TVC breaches the FCAI Code. On that basis, we have not addressed the TVE's compliance with the FCAI Code in this letter.*

**Section 2.1 of the AANA Advertiser Code of Ethics:**

*"Discrimination or vilification Sexual preference'*

*It is our belief that this television commercial is highly appropriate for the rural audience at which it is targeted (and indeed for the broader Australian television audience) for its iconic Australian humour. It was not designed to be offensive in any way, shape or form and certainly not sexist or homophobic. Toyota 4WDs have a hard-earned reputation for 'toughness'; they are vehicles which can literally handle anything you throw at them. By comparison, many of our competitor vehicles are arguably 'soft'; they simply don't have the 4WD credentials that Toyota does, credentials necessary to survive in the harsh Australian outback. It is this 'tough vs soft' (or 'city vs country,') observation which lead to the creative expression found in this TVC.*

*We've utilised iconic Australian humour and over-exaggeration as a way in which to showcase the strength of our 4WD range. You may remember from previous Toyota advertising campaigns, particularly for HiLux and LandCruiser, that sentiments of 'toughness' and 'unbreakable' etc have long been part of our advertising history and tonality.*

*The scenario of a 'Toyota Border Security' is a completely far-fetched and implausible one, purely designed to exaggerate the humour and ensure it's not lost on our target consumer. The 'soft' creative examples we've used in this advertisement are not limited to purely males (and certainly not to homosexual males). We've also included scenes of families and children as the overall creative idea is 'tough vs soft' not 'real men vs soft men'.*

*It is highly unfortunate that the complainant's takeout of this commercial was one of sexism and homophobia. This was certainly never our intention. He admits that these themes are 'indirectly referred' which leads us to firmly believe that his takeout will be in the minority and certainly not in the majority. We are confident that most viewers will see this TVC as a light-hearted look at some of the 'soft' aspects of modern urban life, and not as expressing any view at all about people's sexual preferences.*

**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 ("the FCAI Code").

The Board noted the complainant's concerns that the advertisement is discriminatory towards men and women, homophobic and inaccurately biased by stating that the type of men who drive a Toyota 4WD are 'real' men and are not soft.

The Board noted the advertiser's response and viewed the advertisement.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states:

*"Advertising or Marketing Communications 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 Board noted the concerns raised by the complainant. The Board agreed that the overall fancification of the advertisement and predominance of humour would mean that the advertisement was unlikely to offend members of the community or be taken seriously enough to breach the community standards in relation to discrimination. The Board did not consider the reference to "soft men" was necessarily related to homosexuality or sexual orientation and instead was in line with the tongue-in-cheek tone of the advertisement. The Board determined that the advertisement was not in breach of section 2.1 of the Code.

The Board then determined whether the advertisement was in breach of the FCAI Code. The Board noted that the advertisement depicted 4 wheel drive vehicles, driving over rough terrain and involved in chasing "suspects". However, the Board agreed that there were no displays of unsafe or reckless driving during the advertisement and therefore, the advertisement did not breach the FCAI Code.

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