



## CASE REPORT

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| 1. Complaint reference number | 546/09  |
| 2. Advertiser                 | Toyota Motor Corp                               |
| 3. Product                    | Vehicles  |
| 4. Type of advertisement      | TV  |
| 5. Nature of complaint        | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Wednesday, 9 December 2009                      |
| 7. DETERMINATION              | Dismissed                                       |

## DESCRIPTION OF THE ADVERTISEMENT

This TV advertisement commences with a woman and man in an intimate embrace and they are kissing and moving towards the bed. The woman passionately pushes the man onto the bed and it springs up against the wall. The caption says: "*bad things happen indoors*". The advertisement cuts to a RAV 4x4wd vehicle driving outside with two bikes attached to the roof racks and it is then depicted driving along differing terrain in the outback and on a dirt road, the voiceover says now RAV 4 has more than what you need to get outdoors.

## THE COMPLAINT

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

*I do not believe that it is appropriate or ethical to link the sex act with selling a product. I believe that "what goes into the mind comes out in a life" and that the portrayal of the sex act (or foreplay) on our TV screens is a big influence in the sexual promiscuity (and all of the breakdown of our society as a result, on many different levels) of our culture, particularly the younger generation. Hence they will think that it is appropriate for them to witness the sex act and to engage in it themselves with no thought of the moral nature of what they are engaging in. This ad provides a distortion of what is intended to be a loving, private and most beautiful act.*

## THE ADVERTISER'S RESPONSE

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

*I refer to your email dated 25 November 2009 attaching a letter of complaint regarding the Toyota RAV4 'Bed' television commercial (TVC). An electronic file and script of the TVC is attached to the electronic copy of this letter.*

*Toyota Motor Corporation Australia Limited (Toyota) takes its responsibility as an advertiser very seriously. We make extensive efforts to understand and respond appropriately to community concerns and issues. Over and above this, we have established our own stringent internal review and approval process including legal advice. Additionally, we adhere to the Commercials Acceptance Division pre-approval process to ensure suitability before production begins, as well as final approval classification before the commercial is aired. This is a rigorous and exhaustive process.*

*We have carefully considered the complaint received by us and strongly disagree with the complaint and argument put forward.*

*While we respect the right of this individual to hold their view, we believe that this complaint does not accurately or fairly represent the content or tone or intention of the advertisement.*

*Accordingly, it is our firm belief that the TVC does not breach the AANA Advertiser Code of Ethics (AANA Code) or the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (FCAI Code).*

*Further to your email, please find below our specific response to the issues raised.*

### **Section 2.3 AANA Code**

*Section 2.3 Advertising or Marketing Communications shall treat sex~ sexuality and nudity with sensitivity to the relevant audience and, where appropriate/ the relevant programme time zone. We believe the RAV4 is the Original SUV in Australia and pioneered the sports utility vehicle category. The RAV4 (recreational activity vehicle 4WD) was designed for outdoor use and in association with other recreational activities. The simple premise of the TVC is to encourage people with a driver's licence to get outdoors in order to use the RAV4 for the purpose it was originally designed for. The creative way Toyota has sought to do this is to create the suite of 5 x 15 second television commercials (including the TVC) that demonstrate in a clearly comedic and tongue in cheek fictional manner, the 'perils' of staying indoors. We therefore don't believe that this complaint accurately or fairly represents the content, tone or intention of the advertisement.*

*The TVC plays on this idea with a couple returning to their home embracing and kissing as they enter the front door. In a clear display of humour and fantasy, the woman pushes the man onto the bed. The bed, being a fold down wall bed, then retracts into the wall, taking him with it. The scenario of the man getting taken with the bed into the wall is our creative way of showing 'bad things happening indoors'.*

*At no stage does the TVC portray the sex act referenced in the complaint. Further, in no way at all are we encouraging sex to sell a product. In fact, the thrust of the TVC is the complete opposite. Bad things happen indoors, so get into your RAV4 and get outdoors. Given the TVC has been on air since October 2008 at high rotation without a single previous complaint that we are aware of, it is our strong view that the general public understands and accepts the intended purpose and humour.*

*Finally, the TVC was given a P rating by Commercials Acceptance Division which we have strictly adhered to. This has allowed us to broadcast the TVC in the following programming times:*

*Weekdays 8.30am - 4pm*

*Weekdays 7pm - 6am*

*Weekends 10am - 6am*

*Based on the above explanations, we strongly submit that the complaint should be dismissed. We look forward to hearing from you.*

### **THE DETERMINATION**

The Advertising Standards Board ("Board") noted that the advertisement is for a motor vehicle and considered whether the advertisement complied with the FCAI Voluntary Code of Practice for Motor Vehicle Advertising (the FCAI Code). The Board noted that section 2.6 of the Code does not apply to advertisements to which the FCAI Code applies. The Board considered that there were no depictions of driving in the advertisement that would contravene the FCAI Code.

The 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 advertisement was linking a sexual act to sell its product and that portrayal of sex in advertisements was likely to have a big influence in sexual promiscuity especially on the younger generation.

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

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code says that "*advertising or marketing communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone.*"

The Board noted that the advertisement is for the new RAV 4 four wheel drive and that the advertisement commences with two people in a passionate embrace and then a man falling onto a

springloaded, fold-away bed which folds-up with him inside.

The Board agreed that the advertisement was for the sale of a vehicle and that the two people were not directly related to the product being advertised. However, the Board noted that the advertisement is part of a campaign by this particular advertiser and that most of the advertisements depict a person or people in an in-doors type of activity which would ordinarily be considered safe and fun, having an experience that was unexpected. The Board noted that the advertiser was intending to portray indoor type accidents and unexpected light-hearted incidents in a humorous manner and that they would be perceived to be light-hearted and inoffensive to most members of the community. The Board noted that the advertisement was intending to be light and humorous and that most people in the community would not be offended by the two people embarking on a passionate frenzy.

The Board considered that this advertisement depicted two young adults in a passionate embrace and that no blatant sexual activity or nudity was depicted. The Board agreed that the advertisement treated sex, sexuality and nudity with sensitivity and was not in breach of section 2.3 of the Code.

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