



## **CASE REPORT**

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| 1. Complaint reference number | 76/04  |
| 2. Advertiser                 | Mike Carney Toyota (Nobody's Used Cars)  |
| 3. Product                    | Vehicles   |
| 4. Type of advertisement      | TV   |
| 5. Nature of complaint        | Discrimination or vilification Gender - section 2.1<br>Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination      | Tuesday, 13 April 2004   |
| 7. DETERMINATION              | Dismissed  |

## **DESCRIPTION OF THE ADVERTISEMENT**

The advertisement depicted involved various scenes of women and men appearing to be “in love” with their car which had been purchased from Nobody’s Used Cars. The final scene involves a man rocking back and forth near the rear of his car and holding up his exhaust pipe to which a voiceover is heard calling him a “sicko” and asking him what he is doing with the exhaust.

## **THE COMPLAINT**

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

*“What I find offensive is the way they have scantily dressed women moving seductively out of pools and the bedroom with no relevance to cars at all.”*

## **THE ADVERTISER’S RESPONSE**

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

*“Please find enclosed a copy of the approval consent from Commercial Advice Australia , on which I based my decision to proceed with this advertisement.”*

## **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 that in the context of prevailing community standards, the majority of people would find this advertisement humorous rather than offensive.

The Board found that the depiction did not contravene the provisions of the Code relating to the portrayal of sex/sexuality/nudity or discrimination (sex)/vilification.

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