



CASE REPORT

1. Complaint reference number	77/04
2. Advertiser	Mike Carney Toyota (Nobody's Used Cars)
3. Product	Vehicles
4. Type of advertisement	Radio
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 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 is a radio advertisement in which the voiceover states that all over Townsville people are having love affairs. Various people are heard saying words like “I love you” and making kissing noises. The voiceover explains they are expressing love for their cars which they found at Nobody's Used Cars. A male voice is then heard yelling “Hey, what are you doing with that exhaust pipe, you sicko!”

THE COMPLAINT

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

“I am a normally tolerant person but I feel this advertisement has stepped over the boundaries, especially with the ending comment.”

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.