



CASE REPORT

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| 1. Complaint reference number | 80/08 |
| 2. Advertiser | Castrol Lubricants (Magnatec) |
| 3. Product | Housegoods/services |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1 |
| 6. Date of determination | Wednesday, 12 March 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on cricketer Adam Gilchrist in his Ford ute driving over a speed bump, which causes a bottle of Magnatec oil to bounce out of the ute's tray. Suddenly the oil bottle becomes animated, and realising it's been left behind on the road, takes measures to catch up with the ute by taking a short cut across residential backyards. One backyard has two grown men keeping cool in a children's wading pool, another shot shows the oil passing through a garden where two young women are sunbathing next to a swimming pool, at which the bottle stops in its tracks to admire the view. A male voiceover explains "Castrol Magnatec's unique formulation contains intelligent molecules that actively seek out and bond to the areas where they are needed most." The bottle is then seen to cross a backyard where a young boy is bouncing on a trampoline. The bottle bounces on the trampoline and glides over a high hedge - into the rear of Gilchrist's ute as it passes by on the other side. Gilchrist hears a sound as the bottle lands in the ute's tray and looks behind, puzzled. The voiceover concludes "Intelligent molecules that know where to go."

THE COMPLAINT

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

I find it offensive when endorsements feature behaviour that might constitute sexual harrasment and reinforce sexual stereotypes. The objectionable sequence involves an animated oil bottle, finding itself bounced from the tray of Mr Gilchrist's utility, flying through several domestic backyards...it is perplexing and disappointing to find the lost and anxious oil bottle pausing in its flight to...leer...at two young women in bathing costumes before resuming its journey. If any human protagonists were to imitate this behaviour, they would be liable to complaint of sexual harrasment, an offence under the Commonwealth Sex Discrimination Act 1984 and the analogous state anti-discrimination legislation. I would consider invading a young woman's privacy by leaping over her back fence and, finding her and her associste clad only in their bathing costumes, leering at them before making a hasty escape, to be unwelcome conduct of a sexual nature. Further, it is reasonable to anticipate the young women in question would be offended, humiliated or intimidated by such behaviour. Not only is it regrettable for an advertisement for engine oil to feature sexual harrasment, it is also disappointing for utility drivers and male athletes to be depicted, by the proxy of their oil bottle's behaviour, as unreformed misogynists. Professional male athletes of all sporting codes are under intense media scrutiny and reports of their sexual misdemeanours have frequently wrecked their careers and personal lives in addition to the harm this conduct causes the female recipients of their unwelcome advances. In this context, advertisements like this one...send confusing messages by apparently endorsing the oafish blokey behaviour which gets so many young men into so much trouble.

THE ADVERTISER'S RESPONSE

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

included the following:

With respect to the complaint received we do not believe it to be substantiated when viewed in the context of the entire advertisement, for the reasons listed below:

Contravention of the Commonwealth Sexual Discrimination Act 1984: The entire commercial is good-natured humour and is intended to be a fast paced, almost minmovie that engages the audience immediately. Castrol Magnatec's new proposition is around "intelligent molecules" and we needed a storyline that demonstrated this "intelligence" in a humorous and non-offensive, yet memorable way ... the pack was almost adopting "super-hero" behaviours - suave, intelligent and gentlemanly, in an old fashioned way. When the pack sees the women, the intention is for it to return and acknowledge interrupting them rather than purposefully leering at them. Their puzzled expressions are due to the fact that a pack of oil has "zoomed" through their backyard, something that you would never see. Their reactions are intended to be similar to the boys in the wading pool ... a "what is this?" expression rather than an annoyed expression.

As BP is a global organisation, prior to making this advertisement, we gained approval from our global Head Office in England. BP plc has a stringent Diversity & Inclusion policy and does not condone behaviour that is anyway prejudicial, harassing or discriminatory. This includes portraying any such behaviour in its promotional materials.

Adam Gilchrist is the brand ambassador for Castrol - a partnership now into its fifth year. Adam Gilchrist is renowned for his personal integrity as well as his respect for others. He would not support associations or participate in advertising that is discriminating in any way. This advertisement was approved by not only Adam Gilchrist and his manager, Stephen Atkinson, but was also viewed and approved by Cricket Australia; the body responsible for ensuring their athletes do not appear in advertisements that do not meet the cricketing code of conduct and that have the potential of bringing the game of cricket into disrepute.

On behalf of BP Australia Pty Limited, we trust that we have provided sufficient information to alleviate any concerns held by the ASB and hope that the ASB will view this advertisement in the humorous, non-discriminatory manner in which it was intended.

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 the complaints' concerns that the advertisement depicted images that were discriminatory to women and reviewed the advertisement under Section 2.1 Of the Code.

The Board viewed the advertisement and noted that it was based on a classic Hollywood chase scene. The animated oil can clearly demonstrated that the scene was a fantasy situation and did not reflect real life events. The Board further noted that the oil can had no eyes and was therefore incapable of leering at the women.

The Board considered that the advertisement did not portray a scene which discriminated against women and found the advertisement did not breach Section 2.1 of the Code.

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