



CASE REPORT

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| 1. Complaint reference number | 84/07 |
| 2. Advertiser | Mitsubishi Motors Australia Ltd (Triton) |
| 3. Product | Vehicles |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Discrimination or vilification Sexual preference – section 2.1 |
| 6. Date of determination | Tuesday, 10 April 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement features a photo of a Triton with the heading "You'd never see it pulling a float at Mardi Gras. But it could. The all-new Mitsubishi Triton. With 28% more power, it's just not built to ponce about."

THE COMPLAINT

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

This is very offensive and discriminatory as it is basically saying that gay people or people associated with Mardis Gras are not worthy of driving this car or it being in the parade. The ponce statement suggests that gay people are all ponces and fairies and less of a person than other people. Mardis Gras is a community awareness parade with many groups both gay and straight trying to fight for equality and fairness. This add blatantly ridicules an entire community already suffering physical and mental abuse from members of the public and we certainly dont need ads like these to fuel those peoples hatred for us!!

THE ADVERTISER'S RESPONSE

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

MMAL received a complaint directly from (the complainant). A representative of the Agency contacted (the complainant) to apologise for any offence caused to him by the Advertisement, notwithstanding that the Agency and MMAL do not consider that the Advertisement discriminates against any section of the community on account of sexual preference. (The complainant) was also informed that the decision had been made by MMAL in light of his complaint that the Advertisement would not be published again. MMAL has not received any other complaints regarding the Advertisement.

MMAL believes that the advertisement is light-hearted and that the majority of people (and the majority of gay people in particular) would not find the Advertisement offensive. The word "ponce" in the Advertisement is used as a verb and not as an adjective to describe any person or class of persons. Mr White has acknowledged that "many groups both gay and straight" participate in the Mardi Gras, and in MMAL's view a reference to the Mardi Gras cannot not be automatically taken to be a reference to gay people.

The word "ponce" (as a verb) can be defined as "to move about effeminately". Clearly, any person is capable of acting in a way that could cause them to be accused of "poncing about". MMAL considers that this is a frequently-used slang expression in Australian society and is commonly used in reference to persons of all ages, genders and sexual persuasions. The expression "it's just not built to ponce about" is intended to convey the idea that the Triton is a "down to business"

vehicle that "gets the job done" without "mucking about". The Advertisement seeks to draw a contrast between this quality of the vehicle and behaviour that might be observed at a parade or festival (gay or otherwise). The Mardi Gras was chosen as a topical example as it was being held at the time of publication of the Advertisement.

In MMAL's view, the Advertisement could have referred to another parade with the same effect, especially if it is a parade featuring dancing, people in costumes, marching and performances or the like that could perhaps be described as "poncing about".

The Advertisement does not suggest, as (the complainant) has claimed, that "gay people or people associated with Mardi Gras are not worthy of driving this car or it being in the parade". The Advertisement itself recognises that the Triton could pull a float in the Mardi Gras. However, the intent of the Advertisement is to suggest that Triton would be more likely to be used for other purposes than pulling a float (for example in off-road or rugged terrain such as depicted in the photograph). The Advertisement also does not suggest that "gay people are all ponces and fairies and less of a person than other people". The Advertisement is intended to invoke the behaviour observed at a festival such as the Mardi Gras rather than any person's sexuality.

In summary, MMAL considers that referring to "poncing about" in the context of the Mardi Gras does not vilify or discriminate against gay people. MMAL also considers that the word "ponce" is appropriate in the context of the Advertisement and not strong or obscene, and that any reference to sexuality in the Advertisement (if there is any, which is denied) is sensitive to the relevant audience.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board viewed the advertisement and considered whether it breached Section 2.1 of the Code dealing with discrimination against sections of the community, in the case, against homosexuals.

The Board considered the use of the phrase 'just not built to ponce about' in relation to obvious reference to the Gay and Lesbian Mardi Gras. Board felt that the use of the phrase did border on discrimination against homosexuals, but that, on balance, the use of the word 'ponce', particularly as a verb, was fairly mild and not particularly offensive in view of the ostentatious behaviour known to be displayed at the Gay and Lesbian Mardi Gras.

The Board also found that the advertisement did not breach any part of the the FCAI Code.

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