

## Case Report

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|----------------------------------|-------------------|
| 1. Case Number :                 | 0232-24           |
| 2. Advertiser :                  | mycar Tyre & Auto |
| 3. Product :                     | Automotive        |
| 4. Type of Advertisement/Media : | TV - Free to Air  |
| 5. Date of Decision:             | 25-Sep-2024       |
| 6. Decision:                     | Dismissed         |

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

AANA Code of Ethics\2.3 Violence

### DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement.

The first version features a mother and her son being taken on a tour of an aged care facility by a nurse.

The son says "Now I'd like you to take extra special care of this very precious lady here."

The nurse says "Of course."

The son says "Like mycar... tyre & auto. We are talking about 12 months free roadside assistance with every logbook service on almost any car, kind of care."

The son and mother are then shown at mycar Tyre and Auto.

The son says "Maybe we move you in here mum!"

A voice-over says "Get the care you deserve at mycar tyre & auto. People first."



The second version features a husband and wife in their kitchen having a discussion.  
The husband says "I can't believe you said that."  
The wife says "You're such a baby!"  
The husband says "You don't care about anything about me."  
The wife says "I care!"  
The husband says " No you dont care!"  
The wife says "I'm showing you I care."  
The husband says "I just wish you cared about me the same way mycar Tyre & Auto cares."  
The wife says "Well I'm sorry I can't offer you a tyre care plan, with 12 month road hazard warranty and free puncture repairs."  
They are then shown at mycar Tyre and Auto.  
The husband says "Thank you. See! This is what I deserve!"  
A voice-over says "Get the care you deserve at mycar tyre & auto. People first."



## THE COMPLAINT

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

*Using a domestic abuse scenario to promote their product. I have professional experience with people who were involved in situations, including arguments in kitchens, that led to a violent death. I am extremely offended by the content. There is a theme - also unacceptable - in their advert, where a man is dragging his aged mother around residential care facilities, comparing her needs with what his car deserves. An elder abuse scenario. The lady appears to have no say into what happens to her. The actors don't even look comfortable in their roles, but they have to work. it isn't their fault.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We refer to your letter of 10 September 2024, concerning the complaint received by Ad Standards in respect of mycar Tyre & Auto's (mycar) "The Argument" television advertisement (Advertisement).*

*The complainant alleges that the Advertisement raises issues under section 2.3 of the Australian Association of National Advertisers Code of Ethics (Code), which provides that –*

*Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*For the reasons set out below, mycar denies that the Advertisement breaches section 2.3 or any other section of the Code.*

#### *Background to the Advertisement*

*The Advertisement was created to promote mycar's Tyre Care plan which includes 12 months road hazard warranty and free tyre puncture repairs.*

*The overarching aim of the ad was to showcase mycar's people centric and caring approach to delivering its services, which is reflected in the tagline of the campaign – "Get the care you deserve at mycar Tyre & Auto. People First".*

*The Advertisement is intended to target a broad range of consumers, across various demographics, that own a car or other motor vehicle that requires maintenance and repair from time to time.*

#### *Description of the Advertisement*

*The Advertisement is intended to be fun, light-hearted and humorous.*

*The Advertisement runs for 30 seconds and features a couple that are engaged in a discussion about the level of care the woman is showing to her male partner. The Advertisement opens with the couple having this discussion in the kitchen of their home.*

*The man enters the scene and states to his female partner "I can't believe you said that". The woman responds to her partner with "you're such a baby" as she prepares a meal in the kitchen. The conversation continues with the woman explaining to her partner that she does indeed care and she is trying to show that she cares. The couple talk over each other until the man states earnestly: "I just wish you cared about me the same way mycar Tyre & Auto cares". The woman responds to the funny comparison with "I'm sorry I can't offer you a tyre care plan with 12-month road hazard warranty and free puncture repairs".*

*Following the argument scene in the kitchen, the couple are seen to arrive at a mycar store together. The woman is sitting in the car whilst the man picks up a new tyre from the shop. The employee at the mycar store is portrayed in a friendly manner, handing*

*the tyre over to the man in a very gentle and caring way. The male then looks over to his partner in the car and says “see, this is what I deserve”. Upbeat music plays during this part of the Advertisement and the Advertisement ends with the tagline “get the care you deserve at mycare Tyre & Auto. People First”.*

*The Advertisement is shot and edited in a way that is clearly intended to be theatrical and comedic.*

*The complaint*

*mycar takes compliance with the Code very seriously. mycar considers that the Advertisement could not, in any circumstances, be reasonably considered to be presenting or portraying violence or to be in breach of any other provision of the Code. Depiction or presentation of violence in the Advertisement (section 2.3)  
The content of the Advertisement does not depict or present violence in contravention of section 2.3 of the Code.*

*The complainant seems to consider that the Advertisement portrays or depicts a domestic violence situation on the basis that the man and woman are having a “heated argument” and “there is a lot of shouting”.*

*mycar acknowledges that domestic violence is an extremely serious issue. However, the Advertisement could not reasonably be considered to portray, condone or normalise violence or domestic abuse.*

*There are no graphic depictions of violence or menace in the Advertisement, nor are there any direct or implied depictions of threatened violence through the language used. The tone of the Advertisement is light-hearted and humorous and is intended to play on, and exaggerate, a common quarrel between couples relating to the way they show each other that they care for each other and their respective interests. The power dynamic between the couple is clearly equal. At one point, the male suggests that he wishes the female would care about him the way “mycar Tyre & Auto care”. This comparison between the way the female cares for her partner and the way mycar cares for its customers is one that is meant to be funny and unconventional, as it would be unlikely that such a comparison would be made in such a discussion. The couple in the Advertisement do not in any way depict domestic violence or abuse towards each other during the discussion. Throughout the Advertisement, the man appears to be displaying emotional sensitivity towards the woman’s more realistic and practical reactions, and the woman appears to be relatively frustrated at the man’s sensitivity. However, her frustration does not last long and turns into acceptance towards the end of Advertisement as she is seen to nod and smile towards her partner when he is receiving the tyre from the mycar store.*

*The Panel has previously acknowledged that an advertisement depicting a disagreement or argument between two people in a relationship will not be seen to depict abuse or violence in breach of section 2.3 of the Code (see case report 0235/19 (Yum Restaurants International)). mycar is of the view that the broad majority of people would, in the context of the Advertisement as a whole, consider it light-hearted and humorous rather than sharing the complainants' view that it is offensive or violent. In particular, mycar considers that the comedic style of the Advertisement would be clear to the audience, including by reference to the use of upbeat music and demeanour of the characters in the Advertisement.*

*mycar believes the complainant's interpretation of the advertisement, being suggestive of a domestic violence situation that could escalate to death, is an interpretation that would not be shared by the majority of the community.*

#### *Other Considerations under the Code*

*mycar notes that in addition to considering specific issues raised by the individual complainant, the Panel will also review the Advertisement in its entirety against the Code.*

*mycar is of the view that the Advertisement does not raise any further issues under the Code. Specifically, mycar notes that the Advertisement:*

- does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief (section 2.1);*
- does not employ sexual appeal in a way that is exploitative or degrading of any individual or group of people (section 2.2);*
- does not depict or treat sex, sexuality or nudity without sensitivity (section 2.4);*
- does not use strong or obscene language and only uses language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) (section 2.5);*
- does not depict material contrary to Prevailing Community Standards on health and safety (section 2.6); and*
- is clearly distinguishable as an advert and uses mycar branding to that effect (section 2.7).*

*We refer to the complaint received by Ad Standards in respect of mycar Tyre & Auto's (mycar) "The Carer" television advertisement (Advertisement).*

*The complainant alleges that the Advertisement raises issues under section 2.3 of the Australian Association of National Advertisers Code of Ethics (Code), which provides that –*

*Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*For the reasons set out below, mycar denies that the Advertisement breaches section 2.3 or any other section of the Code including, in particular, section 2.1 of the Code which provides:*

*Advertising shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.*

#### *Background to the Advertisement*

*The Advertisement was created to promote mycar's 'Service 'n' Fill Offer' which includes 12 months free road side assistance with every logbook service for eligible vehicles.*

*The overarching aim of the ad was to showcase mycar's people centric and caring approach to delivering its services, which is reflected in the tagline of the campaign – "Get the care you deserve at mycar Tyre & Auto. People First".*

*The Advertisement is intended to target a broad range of consumers, across various demographics, that own a car or other motor vehicle that requires maintenance and repair from time to time.*

#### *Description of the Advertisement*

*The Advertisement is intended to be fun, light-hearted and humorous.*

*The Advertisement runs for 30 seconds and opens with a mother and her son being taken on a tour of an aged care facility by one of the carers at the facility. The carer opens with the line "...and this is our lounge room" and introduces a room that is bright and filled with other carers and residents of the facility. The other residents appear content and are engaging in day-to-day activities such as knitting and enjoying a cup of tea.*

*The mother and her son are looking around the room with delight, clearly showing that they are impressed with the facility and the tour so far. The son then says to the carer "now, I'd like you to take extra special care of this very precious lady". The carer, with a warm and empathetic smile, responds "of course". The son quickly follows with the line "Like mycar Tyre & Auto. We are talking about '12 months free road side assistance with every logbook service on almost any car' kind of care". The carer, appearing slightly confused by this comparison, acknowledges the son with a smile and directs the pair the next room in the tour.*

*The Advertisement then cuts to the mother and son arriving at the mycar store together. They are greeted by a mycar employee who appears to be responsible for servicing the son's car. The son is delighted to be at the mycar store and jokes to his mother "maybe we move you in here mum". The mother has a wide grin on her face while the employee awkwardly laughs at this joke. Upbeat music plays during this part of the Advertisement and the Advertisement ends with the tagline "get the care you deserve at mycare Tyre & Auto. People First".*

*The Advertisement is shot and edited in a way that is clearly intended to be theatrical and comedic.*

*The complaint*

*mycar takes compliance with the Code very seriously. mycar considers that the Advertisement could not, in any circumstances, be reasonably considered to be portraying people or depicting material in a way which discriminates against or vilifies a person, to be presenting or portraying violence, or to be in breach of any other provision of the Code.*

*1. Depiction or portrayal of material which discriminates or vilifies (section 2.1)*

*The content of the Advertisement does not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief in contravention of section 2.1 of the Code.*

*The complainant seems to suggest that the Advertisement portrays or depicts a situation of elder discrimination or vilification on the basis that the mother has "no say into what happens to her" and is portrayed as someone who is incapable of making her own decisions due to her age.*

*The Advertisement does not in any way portray the mother in a situation where she is being treated unfairly or receiving less favourable treatment. The Advertisement content does not humiliate, intimidate, incite hatred, contempt or ridicule of elderly people.*

*The mother is portrayed as alert, content, and pleased to be spending time with her son. The overall impression of the son is a loving child who just wants the best for his mother. For the duration of the Advertisement, the mother and son's arms are linked, and the son often pats his mother's hand as a sign of affection and attention. At no time does the son display any discriminatory or vilifying behaviour or language towards his mother.*

*The overall impression of the son's character is an exaggerated enthusiast of mycar's caring approach – someone who is so impressed with the personalised care he has*



*received from mycar that it has become the standard of “care” that he considers should be the norm across all service industries and a level of care that he wishes for his loved ones. The comparison he makes between the level of care he receives from mycar and the level of care he expects for his mother is clearly intended to be funny and unconventional. At no point does the mother appear to be confused, upset, disorientated, or offended by her son’s comments. Instead, the mother maintains a happy and humorous demeanor throughout the Advertisement. Other characters featured in the Advertisement do not exhibit signs of concern, but rather are amused by the son’s overstated enthusiasm for mycar’s services.*

*The Panel has previously acknowledged that an advertisement depicting the promotion of home help services does not imply that older people are incapable of looking after themselves or making their own decisions and will not be seen to depict discrimination or vilification in breach of section 2.1 of the Code (see case report 0071/24 (Simply Helping)). The Panel has also previously considered issues relating to the stereotyping of older people in advertisements and have found that, where the depiction is not negative, the advertisement is unlikely to be in breach of section 2.1 (see, for instance, case report numbers 0718/20 (Telstra) and 0355/21 (Uber Australia Pty Ltd)). The depiction of the woman in the Advertisement is not negative nor is it depicting a woman that is incapable of making her own decisions due to her age. Applying the previous determinations of the Panel, the Advertisement clearly does not breach section 2.1 of the Code.*

**2. Depiction or presentation of violence in the Advertisement (section 2.3)**  
*The content of the Advertisement does not depict or present violence in contravention of section 2.3 of the Code.*

*The complainant seems to consider that the Advertisement portrays or depicts an elder abuse situation on the basis that mother is being “dragged” around by her son, who is “comparing her needs with what his car deserves” and has “no say into what happens to her”, and accordingly is being abused.*

*mycar acknowledges that violence and elder abuse is a serious issue. However, the Advertisement could not reasonably be considered to portray, condone or normalise violence or elder abuse.*

*There are no graphic depictions of violence or menace in the Advertisement, nor are there any direct or implied depictions of threatened violence through the language used. The tone of the Advertisement is light-hearted and humorous and is intended to portray, in a hyperbolic way, the high level of quality care that mycar provides through its services. The mother and son in the Advertisement do not in any way depict violence or abuse towards each other at any point.*



*mycar is of the view that the broad majority of people would, in the context of the Advertisement as a whole, consider it light-hearted and humorous rather than sharing the complainants' view that it is offensive or depicting an elder abuse situation.*

#### *Other Considerations under the Code*

*mycar notes that in addition to considering specific issues raised by the individual complainant, the Panel will also review the Advertisement in its entirety against the Code.*

*mycar is of the view that the Advertisement does not raise any further issues under the Code. Specifically, mycar notes that the Advertisement:*

- does not employ sexual appeal in a way that is exploitative or degrading of any individual or group of people (section 2.2);*
- does not depict or treat sex, sexuality or nudity without sensitivity (section 2.4);*
- does not use strong or obscene language and only uses language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) (section 2.5);*
- does not depict material contrary to Prevailing Community Standards on health and safety (section 2.6); and*
- is clearly distinguishable as an advert and uses mycar branding to that effect (section 2.7).*

#### **THE DECISION**

The Ad Standards Community Panel (the Panel) considered whether the two versions of this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement:

- discriminates based on age
- depicts domestic violence.

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

**Section 2.1: Advertising shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.**

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

- *Discrimination – unfair or less favourable treatment.*
- *Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.*

- *Age – based on a person’s actual age (i.e. from the date they were born) and not a person’s biological age (i.e. how old they may appear)*

The Panel noted the Practice Note to Section 2.1 states:

*“Advertising which shows members of a certain group as ridiculous, unintelligible or unable to recognise a dangerous situation incites ridicule towards their behaviour.*

*A negative depiction of a group of people in society may be found to breach Section 2.1, even if humour is used. The depiction will be regarded as a breach if a negative impression is created by the imagery and language used in the advertisement of a person or group of people on the basis of a defined attribute listed above. Advertisements can humorously or satirically suggest stereotypical aspects of a group of people in society provided the overall impression of the advertisement does not convey a negative impression of people of that group on the basis of one or more of the attributes listed above.”*

The Panel noted the complainant’s concern that version 1 of the advertisement suggested that the older person had no say in what happens to her and was a depiction of elder abuse.

The Panel considered that the son appears as though he wants a high level of care for his mother, and she is being included in the decisions relating to her future. The Panel considered that there is no suggestion in the advertisement that she is incapable or being forced to do something that she does not want to do.

The Panel considered that the advertisement did not show the older woman to receive unfair or less favourable treatment and did not depict her in a manner that was humiliating or ridiculing. The Panel considered that the advertisement did not discriminate against or vilify the woman on the basis of her age.

## **Section 2.1 conclusion**

The Panel found that the advertisement did not breach Section 2.1 of the Code.

## **Section 2.3: Advertising shall not present or portray violence unless it is justifiable in the context of the product or service advertised.**

### Does the advertisement contain violence?

For the reasons detailed in Section 2.1 above, the Panel considered that version 1 of the advertisement did not contain a depiction of elder abuse and did not otherwise depict or suggest violence.

The Panel noted the complainant's concern that version 2 of the advertisement contained a depiction of domestic violence.

The Panel noted that the advertisement depicted the couple having an argument. The Panel considered that the couple were both shown to be arguing and there was no imbalance of power between them. The Panel considered that while the couple were initially shown to disagree, at the end of the advertisement there is a resolution where the woman smiles at her husband. The Panel considered that the overall tone of the advertisement was light-hearted and humorous. The Panel considered that version 2 of the advertisement did not depict or suggest violence.

### **Section 2.3 Conclusion**

The Panel concluded that the advertisement did not present or portray violence and did not breach Section 2.3 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.